

Union Calendar No. 198

106TH CONGRESS
1ST SESSION

H. R. 782

[Report No. 106-343]

A BILL

To amend the Older Americans Act of 1965 to authorize appropriations for fiscal years 2000 through 2003.

SEPTEMBER 28, 1999

Reported with amendments, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

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IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 23, 1999

Mr. BARRETT of Nebraska (for himself, Mr. MARTINEZ, Mr. McKEON, Mr. GOODLING, and Mr. CLAY) introduced the following bill; which was referred to the Committee on Education and the Workforce

SEPTEMBER 28, 1999

Additional sponsors: Mr. TERRY, Mr. GILCHREST, and Mr. SHUSTER

SEPTEMBER 28, 1999

Reported with amendments, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

[Strike out all after the enacting clause and insert the part printed in *italie*]

[For text of introduced bill, see copy of bill as introduced on February 23, 1999]

A BILL

To amend the Older Americans Act of 1965 to authorize appropriations for fiscal years 2000 through 2003.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2 *This Act may be cited as the “Older Americans*
 3 *Amendments of 1999”.*

4 **SEC. 2. TABLE OF CONTENTS.**

5 *The table of contents of the Act is as follows:*

Sec. 1. Short title.

Sec. 2. Table of contents.

Sec. 3. Amendment to the Older Americans Act of 1965.

Sec. 4. Conforming amendments.

Sec. 5. Fiscal year references for fiscal year 2000.

Sec. 6. Issuance of rules.

Sec. 7. Effective dates.

6 **SEC. 3. AMENDMENT TO THE OLDER AMERICANS ACT OF**
 7 **1965.**

8 *The Older Americans Act of 1965 (42 U.S.C. 3001 et*
 9 *seq.) is amended to read as follows:*

10 **“SECTION 1. SHORT TITLE.**

11 *“This Act may be cited as the ‘Older Americans Act*
 12 *of 1999’.*

13 **“SEC. 2. TABLE OF CONTENTS.**

14 *“The table of contents of this Act is as follows:*

“Sec. 1. Short title.

“Sec. 2. Table of contents.

“TITLE I—GENERAL PROVISIONS

“Subtitle A—Statement of Purpose; Definitions

“Sec. 101. Purpose.

“Sec. 102. Definitions.

“Subtitle B—Administration

“Sec. 111. Establishment of Administration on Aging.

“Sec. 112. Duties of Assistant Secretary.

“Sec. 113. Federal agency consultation.

“Sec. 114. Powers of the Assistant Secretary.

“Sec. 115. Misuse of funds by providers.

“Sec. 116. Evaluations.

- “Sec. 117. Reports.*
- “Sec. 118. Reduction of paperwork.*
- “Sec. 119. Surplus property eligibility.*
- “Sec. 120. Benefit treatment under other laws.*
- “Sec. 121. Authorization of appropriations.*

“TITLE II—GRANTS FOR NATIVE AMERICAN PROGRAMS ON AGING

- “Sec. 201. Grants for services to native americans.*
- “Sec. 202. Applications for grants.*
- “Sec. 203. Distribution of funds among tribal organizations, alaska native organizations, and organizations serving native hawaiians.*
- “Sec. 204. Surplus educational facilities.*
- “Sec. 205. Administration.*
- “Sec. 206. Payments.*
- “Sec. 207. Authorization of appropriations.*

“TITLE III—GRANTS FOR STATE AND COMMUNITY PROGRAMS ON AGING

“Subtitle A—Grants for Programs on Aging

“CHAPTER 1—GENERAL PROVISIONS

- “Sec. 301. Technical assistance and cooperation.*
- “Sec. 302. Allotments; Federal share.*
- “Sec. 303. Eligibility of States; organization.*
- “Sec. 304. State plans.*
- “Sec. 305. Area plans.*
- “Sec. 306. Planning, coordination, evaluation, and administration of State plans.*
- “Sec. 307. Payments.*

“CHAPTER 2—SUPPORTIVE SERVICES AND MULTIPURPOSE SENIOR CENTERS

- “Sec. 321. Program authorized.*

“CHAPTER 3—NUTRITION SERVICES

“PART I—CONGREGATE NUTRITION SERVICES

- “Sec. 331. Program authorized.*

“PART II—HOME DELIVERED NUTRITION SERVICES

- “Sec. 334. Program authorized.*

“PART III—ADDITIONAL REQUIREMENTS

- “Sec. 337. Nutrition.*

“CHAPTER 4—DISASTER RELIEF REIMBURSEMENTS

- “Sec. 341. Disaster relief reimbursements.*

“Subtitle B—Disease Prevention and Health Promotion Services Program Authorized

- “Sec. 351. Program authorized.*

“Sec. 352. Distribution to area agencies on aging.

“Sec. 353. Definition.

“Subtitle C—Family Caregiver Programs

“Sec. 361. Program authorized.

“Subtitle D—Authorization of Appropriations

“Sec. 391. Authorization of appropriations.

“Sec. 392. Additional funds available for nutrition services.

*“TITLE IV—STATE LONG-TERM CARE OMBUDSMAN PROGRAMS;
SERVICES FOR THE PREVENTION AND REMEDIATION OF ELDER
ABUSE, NEGLECT, AND EXPLOITATION*

“Subtitle A—Use of Additional Allotments

“Sec. 401. Use of allotments.

“Subtitle B—State Long-Term Care Ombudsman Program

“Sec. 421. Requirements applicable to State long-term care ombudsman program.

*“Subtitle C—Prevention and Remediation of Elder Abuse, Neglect, and
Exploitation*

*“Sec. 441. Requirements applicable to providing services to prevent and to reme-
diate elder abuse, neglect, and exploitation.*

“Sec. 442. Manner of providing of services.

“Subtitle D—Administrative Provisions; Authorizations of Appropriations

“Sec. 491. Technical assistance.

“Sec. 492. Audits.

“Sec. 493. Authorizations of appropriations.

*“TITLE V—COMMUNITY SERVICE EMPLOYMENT FOR OLDER
AMERICANS*

“Sec. 501. Short title.

“Sec. 502. Allotment and reservation of funds for community service employment.

“Sec. 503. Older american community service employment program.

“Sec. 504. Participants not Federal employees.

*“Sec. 505. Treatment of employment assistance for purposes of Federal housing
and food stamp programs.*

“Sec. 506. Authorization of appropriations.

1 **“TITLE I—GENERAL PROVISIONS**
2 **“Subtitle A—Statement of Purpose;**
3 **Definitions**

4 **“SEC. 101. PURPOSE.**

5 *“It is the purpose of this Act to encourage and assist*
6 *State agencies, area agencies on aging, and tribal organiza-*
7 *tions to concentrate resources in order to develop greater*
8 *capacity and foster the development and implementation of*
9 *comprehensive and coordinated systems to serve older indi-*
10 *viduals by entering into cooperative arrangements in each*
11 *State for the planning and provision of supportive services,*
12 *nutrition services, multipurpose senior centers, community*
13 *service employment, and volunteer services, in order to—*

14 *“(1) secure and maintain maximum independ-*
15 *ence and dignity in a home environment for older in-*
16 *dividuals capable of self care with appropriate sup-*
17 *portive services,*

18 *“(2) remove individual and social barriers to*
19 *economic and personal independence for older indi-*
20 *viduals,*

21 *“(3) provide a continuum of care for vulnerable*
22 *older individuals,*

23 *“(4) secure the opportunity for older individuals*
24 *to receive managed in-home and community-based*
25 *long-term care services,*

1 “(5) ensure that older individuals will be pro-
2 tected against abuse, neglect, and exploitation, and

3 “(6) promote employment opportunities and
4 community service.

5 **“SEC. 102. DEFINITIONS.**

6 *“For the purposes of this Act:*

7 “(1) *ABUSE.—The term ‘abuse’ means (except*
8 *when such term is used in the phrase ‘drug and alco-*
9 *hol abuse’) the willful—*

10 *“(A) infliction of injury, unreasonable con-*
11 *finement, intimidation, or cruel punishment*
12 *with resulting physical harm, pain, or mental*
13 *anguish, or*

14 *“(B) deprivation by a person, including a*
15 *caregiver and a caretaker, of goods or services*
16 *that are necessary to avoid physical harm, men-*
17 *tal anguish, or mental illness.*

18 “(2) *ADMINISTRATION.—The term ‘Administra-*
19 *tion’ means the Administration on Aging.*

20 “(3) *ADULT CHILD WITH A DISABILITY.—The*
21 *term ‘adult child with a disability’ means a child*
22 *who—*

23 *“(A) is 18 years of age or older,*

24 *“(B) is financially dependent on an older*
25 *individual who is a parent of the child, and*

1 “(C) *has a disability.*

2 “(4) *ALASKA NATIVE.—The term ‘Alaska Native’*
3 *means an Alaska Native who is a member of an Alas-*
4 *ka Native organization.*

5 “(5) *ALASKA NATIVE ORGANIZATION.—The term*
6 *‘Alaska Native organization’ means an Alaska Native*
7 *village, or an Alaskan Native regional or village cor-*
8 *poration, as defined in or established pursuant to the*
9 *Alaska Native Claims Settlement Act (Public Law*
10 *92–203; 85 Stat. 688), that is recognized as eligible*
11 *for the special programs and services provided by the*
12 *United States to Alaska Natives because of their sta-*
13 *tus as Alaska Natives.*

14 “(6) *AREA AGENCY ON AGING.—The term ‘area*
15 *agency on aging’ means an area agency on aging des-*
16 *ignated under section 303(a)(2)(A) or a State agency*
17 *performing the functions of an area agency on aging*
18 *under section 303(a)(1)(E).*

19 “(7) *ASSISTANT SECRETARY.—The term ‘Assist-*
20 *ant Secretary’ means the Assistant Secretary for*
21 *Aging.*

22 “(8) *ASSISTIVE TECHNOLOGY.—The term ‘assist-*
23 *ive technology’ means technology, engineering meth-*
24 *odologies, or scientific principles appropriate to meet*

1 *the needs of, and address the barriers confronted by,*
 2 *older individuals with functional limitations.*

3 “(9) *BOARD AND CARE FACILITY.*—*The term*
 4 *‘board and care facility’ means an institution regu-*
 5 *lated by a State pursuant to section 1616(e) of the*
 6 *Social Security Act (42 U.S.C. 1382e(e)).*

7 “(10) *CAREGIVER.*—*The term ‘caregiver’ means*
 8 *a family member or other individual who provides*
 9 *(on behalf of such individual or of a public or private*
 10 *agency, organization, or institution) uncompensated*
 11 *care to an older individual who needs supportive*
 12 *services.*

13 “(11) *CARETAKER.*—*The term ‘caretaker’ means*
 14 *an individual who has the responsibility for the care*
 15 *of an older individual, either voluntarily, by contract,*
 16 *by receipt of payment for care, or as a result of the*
 17 *operation of law.*

18 “(12) *CASE MANAGEMENT SERVICE.*—*The term*
 19 *‘case management service’—*

20 “(A) *means a service provided to an older*
 21 *individual, at the direction of the older indi-*
 22 *vidual or a family member of the individual—*

23 “(i) *by an individual who is trained*
 24 *or experienced in the case management*
 25 *skills that are required to deliver the serv-*

ices and coordination described in subparagraph (B), and

“(ii) to assess the needs, and to arrange, coordinate, and monitor an optimum package of services to meet the needs, of the older individual, and

“(B) includes services and coordination such as—

“(i) comprehensive assessment of the older individual (including the physical, psychological, and social needs of the individual),

“(ii) development and implementation of a service plan with the older individual to mobilize the formal and informal resources and services identified in the assessment to meet the needs of the older individual, including coordination of the resources and services—

“(I) with any other plans that exist for various formal services, such as hospital discharge plans, and

“(II) with the information and assistance services provided under this Act,

1 “(iii) coordination and monitoring of
2 formal and informal service delivery, in-
3 cluding coordination and monitoring to en-
4 sure that services specified in the plan are
5 being provided,

6 “(iv) periodic reassessment and revi-
7 sion of the status of the older individual
8 with—

9 “(I) the older individual, or

10 “(II) if necessary, a primary
11 caregiver or family member of the older
12 individual, and

13 “(v) in accordance with the wishes of
14 the older individual, advocacy on behalf of
15 the older individual for needed services or
16 resources.

17 “(13) CHILD.—Except when it appears as part
18 of the term ‘adult child with a disability’, the term
19 ‘child’ means an individual who is less than 18 years
20 of age.

21 “(14) CLIENT ASSESSMENT.—The term ‘client
22 assessment’ includes providing information relating
23 to assistive technology.

24 “(15) COMMUNITY SERVICES.—The term ‘com-
25 munity services’ means—

1 “(A) *social, health, welfare, and educational*
2 *services (particularly literacy tutoring),*

3 “(B) *legal and other counseling services and*
4 *assistance, including tax counseling and assist-*
5 *ance and financial counseling,*

6 “(C) *library, recreational, and other similar*
7 *services,*

8 “(D) *conservation, maintenance, or restora-*
9 *tion of natural resources,*

10 “(E) *community betterment or beautifi-*
11 *cation,*

12 “(F) *antipollution and environmental qual-*
13 *ity efforts,*

14 “(G) *weatherization activities,*

15 “(H) *economic development, and*

16 “(I) *such other services essential and nec-*
17 *essary to the community as the Secretary may*
18 *require by rule.*

19 “(16) *COMPREHENSIVE AND COORDINATED SYS-*
20 *TEM.—The term ‘comprehensive and coordinated sys-*
21 *tem’ means a system for providing all necessary sup-*
22 *portive services, including nutrition services, in a*
23 *manner designed to—*

24 “(A) *facilitate accessibility to, and utiliza-*
25 *tion of, all supportive services and nutrition*

1 *services provided within the geographical area*
2 *served by such system by any public or private*
3 *agency or organization,*

4 *“(B) develop and make the most efficient*
5 *use of supportive services and nutrition services*
6 *in meeting the needs of older individuals,*

7 *“(C) use available resources efficiently and*
8 *with a minimum of duplication, and*

9 *“(D) encourage and assist public and pri-*
10 *vate entities that have unrealized potential for*
11 *meeting the service needs of older individuals to*
12 *assist the older individuals on a voluntary basis.*

13 *“(17) DISABILITY.—The term ‘disability’ means*
14 *(except when such term is used in the phrase ‘severe*
15 *disability’, ‘developmental disabilities’, ‘physical and*
16 *mental disabilities’, or ‘physical disabilities’) a dis-*
17 *ability attributable to mental or physical impair-*
18 *ment, or a combination of mental and physical im-*
19 *pairments, that results in substantial functional limi-*
20 *tations in 1 or more of the following areas of major*
21 *life activity: (A) self-care, (B) receptive and expres-*
22 *sive language, (C) learning, (D) mobility, (E) self-di-*
23 *rection, (F) capacity for independent living, (G) eco-*
24 *nommic self-sufficiency, (H) cognitive functioning, and*
25 *(I) emotional adjustment.*

1 “(18) *ELDER ABUSE*.—The term ‘elder abuse’
2 *means abuse of an older individual.*

3 “(19) *ELDER ABUSE, NEGLECT, AND EXPLOI-*
4 *TATION*.—The term ‘elder abuse, neglect, and exploi-
5 *tation’ means abuse, neglect, and exploitation, of an*
6 *older individual.*

7 “(20) *EXPLOITATION*.—The term ‘exploitation’
8 *means the illegal or improper act or process of an in-*
9 *dividual, including a caregiver and a caretaker, using*
10 *the resources of an older individual for monetary or*
11 *personal benefit, profit, or gain.*

12 “(21) *FAMILY CAREGIVER SERVICES*.—The term
13 “family caregiver services” means services provided to
14 an older individual by a caregiver to assist such indi-
15 vidual to reside in such individual’s home with ap-
16 propriate supportive services, including personal care
17 services, homemaker services, chore maintenance, and
18 other services.

19 “(22) *FOCAL POINT*.—The term ‘focal point’
20 means an entity that maximizes the collocation and
21 coordination of services for older individuals.

22 “(23) *FRAIL*.—The term ‘frail’ means, with re-
23 spect to an older individual in a State, that the older
24 individual is determined to be functionally impaired
25 because the individual—

1 “(A)(i) is unable to perform at least two ac-
2 tivities of daily living without substantial
3 human assistance, including verbal reminding,
4 physical cueing, or supervision, or

5 “(ii) at the option of the State, is unable to
6 perform at least three such activities without
7 such assistance, or

8 “(B) due to a cognitive or other mental im-
9 pairment, requires substantial supervision be-
10 cause the individual behaves in a manner that
11 poses a serious health or safety hazard to the in-
12 dividual or to another individual.

13 “(24) *GREATEST ECONOMIC NEED.*—The term
14 ‘greatest economic need’ means the need resulting
15 from an income level at or below the poverty line.

16 “(25) *GREATEST SOCIAL NEED.*—The term
17 ‘greatest social need’ means the need caused by non-
18 economic factors that include—

19 “(A) physical and mental disabilities,

20 “(B) language barriers, and

21 “(C) cultural, social, or geographical isola-
22 tion caused by racial or ethnic status, that—

23 “(i) restricts the ability of an indi-
24 vidual to perform normal daily tasks, or

1 “(ii) *threatens the capacity of the indi-*
2 *vidual to live independently.*

3 “(26) *IN-HOME SERVICES.—The term ‘in-home*
4 *services’ includes—*

5 “(A) *homemaker and home health aides,*

6 “(B) *visiting and telephone reassurance,*

7 “(C) *chore maintenance,*

8 “(D) *in-home respite care for families, and*
9 *adult day care as a respite service for families,*

10 “(E) *minor modification of homes that is*
11 *necessary to facilitate the ability of older indi-*
12 *viduals to remain at home and that is not avail-*
13 *able under other programs, but not at a cost to*
14 *exceed the cost established by the State agency,*

15 “(F) *personal care services, and*

16 “(G) *other in-home services as defined—*

17 “(i) *by the State agency in the State*
18 *plan submitted in accordance with section*
19 *304, and*

20 “(ii) *by the area agency on aging in*
21 *the area plan submitted in accordance with*
22 *section 305.*

23 “(27) *INDIAN.—The term ‘Indian’ means an In-*
24 *dian who is a member of an Indian tribe.*

1 “(28) *INDIAN TRIBE*.—*The term ‘Indian tribe’*
2 *means any tribe, band, nation, or other organized*
3 *group or community of Indians that is—*

4 “(A) *recognized as eligible for the special*
5 *programs and services provided by the United*
6 *States to Indians because of their status as Indi-*
7 *ans, or*

8 “(B) *located on, or in proximity to, a Fed-*
9 *eral or State reservation or rancheria,*
10 *except that subparagraph (B) shall not apply for pur-*
11 *poses of title II.*

12 “(29) *INFORMATION AND ASSISTANCE SERVICE*.—
13 *The term ‘information and assistance service’ means*
14 *a service for older individuals that—*

15 “(A) *provides the individuals with current*
16 *information on opportunities and services avail-*
17 *able to the individuals within their communities,*
18 *including information relating to assistive tech-*
19 *nology,*

20 “(B) *assesses the problems and capacities of*
21 *the individuals,*

22 “(C) *links the individuals to the opportuni-*
23 *ties and services that are available,*

24 “(D) *to the maximum extent practicable,*
25 *ensures that the individuals receive the services*

1 *needed by the individuals, and are aware of the*
 2 *opportunities available to the individuals, by es-*
 3 *tablishing adequate followup procedures, and*

4 *“(E) serves the entire community of older*
 5 *individuals, particularly—*

6 *“(i) older individuals with greatest so-*
 7 *cial need, and*

8 *“(ii) older individuals with greatest*
 9 *economic need.*

10 *“(30) INFORMATION AND REFERRAL.—The term*
 11 *‘information and referral’ includes information relat-*
 12 *ing to assistive technology.*

13 *“(31) LEGAL ASSISTANCE.—The term ‘legal*
 14 *assistance’—*

15 *“(A) means legal advice and representation*
 16 *provided by an attorney to older individuals*
 17 *with economic or social needs, and*

18 *“(B) includes—*

19 *“(i) to the extent feasible, counseling or*
 20 *other appropriate assistance by a paralegal*
 21 *or law student under the direct supervision*
 22 *of an attorney, and*

23 *“(ii) counseling or representation by a*
 24 *nonlawyer where permitted by law.*

1 “(32) *LONG-TERM CARE FACILITY*.—The term
2 ‘long-term care facility’ means—

3 “(A) any skilled nursing facility, as defined
4 in section 1819(a) of the Social Security Act (42
5 U.S.C. 1395i–3(a)),

6 “(B) any nursing facility, as defined in sec-
7 tion 1919(a) of the Social Security Act (42
8 U.S.C. 1396r(a)),

9 “(C) for purposes of section 304(a)(8) and
10 title IV, a board and care facility, or

11 “(D) any other adult care home similar to
12 a facility or institution described in subpara-
13 graph (A), (B), or (C).

14 “(33) *LOW-INCOME*.—The term ‘low-income’
15 means, for purposes of title V, income that is not
16 more than 125 percent of the poverty line.

17 “(34) *MULTIPURPOSE SENIOR CENTER*.—The
18 term ‘multipurpose senior center’ means a community
19 facility for the organization and provision of a broad
20 spectrum of services, which shall include provision of
21 health (including mental health), social, nutritional,
22 and educational services and the provision of facili-
23 ties for recreational activities for older individuals.

24 “(35) *NATIVE AMERICAN*.—The term ‘Native
25 American’ means—

1 “(A) *an Indian,*

2 “(B) *an Alaska Native, or*

3 “(C) *a Native Hawaiian.*

4 “(36) *NATIVE HAWAIIAN.—The term ‘Native Ha-*
5 *waiian’ means any individual any of whose ancestors*
6 *were natives of the area that consists of the Hawaiian*
7 *Islands prior to 1778,*

8 “(37) *NEGLECT.—The term ‘neglect’ means—*

9 “(A) *the failure to provide for oneself the*
10 *goods or services that are necessary to avoid*
11 *physical harm, mental anguish, or mental ill-*
12 *ness, or*

13 “(B) *the failure of a caregiver or a care-*
14 *taker to provide the goods or services.*

15 “(38) *NONPROFIT.—The term ‘nonprofit’ as ap-*
16 *plied to any agency, institution, or organization*
17 *means an agency, institution, or organization that is,*
18 *or is owned and operated by, one or more corpora-*
19 *tions or associations no part of the net earnings of*
20 *which inures, or may lawfully inure, to the benefit of*
21 *any private shareholder or individual.*

22 “(39) *OLDER INDIVIDUAL.—The term ‘older in-*
23 *dividual’ means—*

24 “(A) *except for purposes of title V, an indi-*
25 *vidual who is 60 years of age or older, and*

1 “(B) for purposes of title V, an individual
2 who is 55 years of age or older.

3 “(40) *PHYSICAL HARM.*—The term ‘physical
4 harm’ means bodily injury, impairment, or disease.

5 “(41) *PLANNING AND SERVICE AREA.*—The term
6 ‘planning and service area’ means an area designated
7 by a State agency under section 303(a)(1)(E), includ-
8 ing a single planning and service area described in
9 section 303(b)(1)(E).

10 “(42) *POVERTY LINE.*—The term ‘poverty line’
11 means the official poverty line (as defined by the Of-
12 fice of Management and Budget, and adjusted by the
13 Secretary in accordance with section 673(2) of the
14 Community Services Block Grant Act (42 U.S.C.
15 9902(2)).

16 “(43) *REPRESENTATIVE PAYEE.*—The term ‘rep-
17 resentative payee’ means a person who is appointed
18 by a governmental entity to receive, on behalf of an
19 older individual who is unable to manage funds by
20 reason of a physical or mental incapacity, any funds
21 owed to such individual by such entity.

22 “(44) *SECRETARY.*—The term ‘Secretary’
23 means—

24 “(A) except for purposes of title V, the Sec-
25 retary of Health and Human Services, and

1 “(B) for purposes of title V, the Secretary of
2 Labor.

3 “(45) *SEVERE DISABILITY*.—The term ‘severe
4 disability’ means a severe, chronic disability attrib-
5 utable to mental or physical impairment, or a com-
6 bination of mental and physical impairments, that—

7 “(A) is likely to continue indefinitely, and

8 “(B) results in substantial functional limi-
9 tation in 3 or more of the major life activities
10 specified in subparagraphs (A) through (G) of
11 paragraph (17).

12 “(46) *STATE*.—The term ‘State’ means any of
13 the several States, the District of Columbia, the Vir-
14 gin Islands of the United States, the Commonwealth
15 of Puerto Rico, Guam, American Samoa, or the Com-
16 monwealth of the Northern Mariana Islands.

17 “(47) *STATE AGENCY*.—The term ‘State agency’
18 means the agency designated under section 303(a)(1).

19 “(48) *SUPPORTIVE SERVICE*.—The term ‘sup-
20 portive service’ means a service described in section
21 321(a).

22 “(49) *TRIBAL ORGANIZATION*.—The term ‘tribal
23 organization’ means—

24 “(A) except for purposes of titles II and V—

1 “(i) the recognized governing body of
2 an Indian tribe, or

3 “(ii) the legally established organiza-
4 tion of Indians that is controlled, sanc-
5 tioned, or chartered by the governing body
6 of an Indian tribe,

7 “(B) for purposes of title II—

8 “(i) an entity described in clause (i) or
9 (ii) of subparagraph (A), or

10 “(ii) a legally established organization
11 of Indians that is democratically elected by
12 the adult members of the Indian community
13 to be served by such organization and that
14 includes the maximum participation of In-
15 dians in all phases of its activities, and

16 “(C) for purposes of title V, a public or
17 nonprofit private organization that is primarily
18 controlled by, and comprised of, Indians or In-
19 dian tribes.

20 “(50) UNIT OF GENERAL PURPOSE LOCAL GOV-
21 ERNMENT.—The term ‘unit of general purpose local
22 government’ means—

23 “(A) a political subdivision of the State
24 whose authority is general and not limited to

1 *only one function or combination of related func-*
 2 *tions, or*

3 *“(B) a tribal organization.*

4 **“Subtitle B—Administration**

5 **“SEC. 111. ESTABLISHMENT OF ADMINISTRATION ON**
 6 **AGING.**

7 *“(a) ESTABLISHMENT.—There is established in the Of-*
 8 *fice of the Secretary, an Administration on Aging which*
 9 *shall be headed by an Assistant Secretary for Aging. This*
 10 *Act shall be administered through the Administration and*
 11 *under the supervision of the Secretary.*

12 *“(b) ASSISTANT SECRETARY.—The Assistant Sec-*
 13 *retary shall be appointed by the President by and with the*
 14 *advice and consent of the Senate.*

15 *“(c) DESIGNATION RELATING TO ADMINISTRATION OF*
 16 *PROGRAMS AFFECTING NATIVE AMERICANS.—The Assist-*
 17 *ant Secretary—*

18 *“(1) shall establish an Office on Native Ameri-*
 19 *cans within the Administration, and*

20 *“(2) shall designate an individual in the Admin-*
 21 *istration who has expertise with respect to programs*
 22 *and services affecting Native Americans, who shall be*
 23 *responsible, under the supervision of the Assistant*
 24 *Secretary, for the administration of title II and for*
 25 *coordination of other programs, projects, and activi-*

1 *ties carried out under this Act that affect Native*
 2 *Americans.*

3 “(d) *DESIGNATION RELATING TO THE ADMINISTRATION OF STATE LONG-TERM CARE OMBUDSMAN PROGRAMS.—The Assistant Secretary—*

6 “(1) *shall establish an office of long-term care*
 7 *ombudsman programs, and*

8 “(2) *shall designate an individual in the Administration who shall be responsible, under the supervision of the Assistant Secretary, for the Federal administrative activities relating to State long-term care ombudsman programs.*

13 “(e) *DESIGNATION RELATING TO THE ADMINISTRATION OF NUTRITION SERVICES.—The Assistant Secretary*
 14 *shall designate an individual in the Administration who*
 15 *shall be responsible, under the supervision of the Assistant*
 16 *Secretary, for the administration of chapter 3 of subtitle*
 17 *A of title III. Such individual shall—*

19 “(1) *have expertise in nutrition and dietary*
 20 *services and planning, and*

21 “(2)(A) *be a registered dietitian,*

22 “(B) *be a credentialed nutrition professional, or*

23 “(C) *have education and training that is substantially equivalent to the education and training*
 24

1 *for a registered dietitian or a credentialed nutrition*
2 *professional.*

3 **“SEC. 112. DUTIES OF ASSISTANT SECRETARY.**

4 *“The duties of the Assistant Secretary are as follows:*

5 *“(1) ADVOCACY.—To serve as the effective and*
6 *visible advocate for older individuals, within the De-*
7 *partment of Health and Human Services and with*
8 *other departments, agencies, and instrumentalities of*
9 *the Federal Government by maintaining active review*
10 *of and commenting on responsibilities of all Federal*
11 *policies affecting older individuals.*

12 *“(2) INFORMATION.—To collect and disseminate*
13 *information related to problems of older individuals*
14 *and aging.*

15 *“(3) ASSISTANCE TO SECRETARY.—To directly*
16 *assist the Secretary in all matters pertaining to prob-*
17 *lems of older individuals and aging.*

18 *“(4) ADMINISTRATION.—To administer the*
19 *grants provided and contracts made under this Act.*

20 *“(5) TECHNICAL ASSISTANCE.—To provide tech-*
21 *nical assistance and consultation to States, political*
22 *subdivisions of States, tribal organizations, Alaska*
23 *Native organizations, and organizations serving Na-*
24 *tive Hawaiians, with respect to programs for older*
25 *individuals and aging.*

1 “(6) *EDUCATIONAL MATERIALS.*—To prepare,
2 *publish, and disseminate educational materials deal-*
3 *ing with the welfare of older individuals.*

4 “(7) *STATISTICS.*—To gather statistics in the
5 *field of aging that other Federal agencies are not col-*
6 *lecting, and to take whatever action is necessary to*
7 *achieve coordination of activities carried out or as-*
8 *sisted by all departments, agencies, and instrumental-*
9 *ities of the Federal Government with respect to the*
10 *collection, preparation, and dissemination of infor-*
11 *mation relevant to older individuals.*

12 “(8) *PLANNING.*—To coordinate, and to assist in,
13 *the planning and development by public (including*
14 *Federal, State, and local agencies) and private orga-*
15 *nizations of programs for older individuals to facili-*
16 *tate the establishment of a nationwide network of*
17 *comprehensive, coordinated services and opportunities*
18 *for older individuals.*

19 “(9) *STATISTICAL DATA.*—To collect for each fis-
20 *cal year, for fiscal years beginning after September*
21 *30, 1999, directly or by contract, statistical data re-*
22 *garding programs, projects, and activities carried out*
23 *with funds provided under this Act, including—*

24 “(A) *with respect to each type of service or*
25 *activity provided with such funds—*

1 “(i) the aggregate amount of such
2 funds expended to provide such service or
3 activity,

4 “(ii) the number of individuals who re-
5 ceived such service or activity, and

6 “(iii) the number of units of such serv-
7 ice or activity provided, and

8 “(B) the number of multipurpose senior
9 centers that received such funds.

10 “(10) UNIFORM DATA COLLECTION PROCE-
11 DURES.—To design and implement, for purposes of
12 compliance with paragraph (9), uniform data collec-
13 tion procedures for use by State agencies, including—

14 “(A) uniform definitions and nomenclature,

15 “(B) standardized data collection proce-
16 dures,

17 “(C) procedures for collecting information
18 on gaps in services needed by older individuals,
19 as identified by service providers in assisting cli-
20 ents through the provision of the supportive serv-
21 ices, and

22 “(D) procedures for the assessment of the
23 unmet need for services under this Act.

24 “(11) RESEARCH.—To develop and arrange for
25 research in the field of aging, based on consultations

1 *with individuals and organizations knowledgeable in*
 2 *the field of aging.*

3 “(12) *INFORMATION ON COMMUNITY RE-*
 4 *SOURCES.—To establish and operate, directly or by*
 5 *grant or contract, a nationwide toll-free telephone line*
 6 *by which individuals may obtain information and as-*
 7 *sistance to locate community resources that may be*
 8 *available to older individuals and their caregivers.*

9 **“SEC. 113. FEDERAL AGENCY CONSULTATION.**

10 *“The Assistant Secretary, in carrying out the purpose*
 11 *and provisions of this Act, shall coordinate, advise, consult*
 12 *with, and cooperate with the head of each department, agen-*
 13 *cy, or instrumentality of the Federal Government proposing*
 14 *or administering programs or services substantially related*
 15 *to the purpose of this Act, with respect to such programs*
 16 *or services. The head of each department, agency, or instru-*
 17 *mentality of the Federal Government proposing to establish*
 18 *or modify any program or service substantially related to*
 19 *the purpose of this Act shall consult with and coordinate*
 20 *with the Assistant Secretary.*

21 **“SEC. 114. POWERS OF THE ASSISTANT SECRETARY.**

22 “(a) *POWERS.—In carrying out this Act, the Assistant*
 23 *Secretary may—*

1 “(1) *provide consultative services and technical*
2 *assistance to public or nonprofit private agencies and*
3 *organizations,*

4 “(2) *provide short-term training and technical*
5 *instruction,*

6 “(3) *conduct research and demonstrations, and*

7 “(4) *collect, prepare, publish, and disseminate*
8 *special educational or informational materials, in-*
9 *cluding reports on programs, projects, and activities*
10 *for which funds are provided under this Act.*

11 “(b) *TECHNICAL ASSISTANCE AND COOPERATION.—In*
12 *carrying out the provisions of this title, the Assistant*
13 *Secretary—*

14 “(1) *may request the technical assistance and co-*
15 *operation of the Department of Education, the De-*
16 *partment of Labor, the Department of Housing and*
17 *Urban Development, the Department of Transpor-*
18 *tation, the Office of Community Services, the Depart-*
19 *ment of Veterans Affairs, the Substance Abuse and*
20 *Mental Health Services Administration, and such*
21 *other agencies and departments of the Federal Gov-*
22 *ernment as may be appropriate, and*

23 “(2) *shall encourage recipients of grants and*
24 *contracts used to provide nonemergency transpor-*
25 *tation services under this Act, to coordinate, to the*

1 *maximum extent practicable, in metropolitan areas*
2 *the design and delivery of such services with transpor-*
3 *tation services supported by governmental entities*
4 *with financial assistance received from Federal, State,*
5 *and local governmental entities, and particularly*
6 *from the Department of Transportation.*

7 “(c) *AUTHORITY TO MAKE GRANTS.—From funds ap-*
8 *propriated under section 121(b), the Assistant Secretary*
9 *may make grants to public or nonprofit private agencies,*
10 *organizations, and institutions, and to tribal organizations,*
11 *and may enter into contracts with agencies, organizations,*
12 *institutions, and individuals for activities—*

13 “(1) *to expand the Nation’s knowledge and un-*
14 *derstanding of older individuals and the aging proc-*
15 *ess,*

16 “(2) *to design, to test, and to promote utilization*
17 *of innovative ideas and best practices in programs*
18 *and services for older individuals,*

19 “(3) *to help meet the needs for trained personnel*
20 *in the field of aging,*

21 “(4) *to increase the awareness of citizens of all*
22 *ages of the need to assume personal responsibility for*
23 *their own aging through—*

1 “(A) education and training to develop an
2 adequately trained workforce to work with and
3 on behalf of older individuals,

4 “(B) research and policy analysis to im-
5 prove access to and delivery of services for older
6 individuals,

7 “(C) development of methods and practices
8 to improve quality and effectiveness of such serv-
9 ices,

10 “(D) demonstration of new approaches to
11 design, delivery, and coordination of services and
12 activities for older individuals,

13 “(E) technical assistance in planning, de-
14 velopment, implementation, evaluation, and im-
15 provement of programs, projects, and activities
16 under this Act, and

17 “(F) dissemination of information on issues
18 related to aging, their impact on individuals
19 and society, and relating to services and activi-
20 ties benefiting older individuals, and

21 “(5)(A) to foster the development and testing of
22 new approaches to sustaining the efforts of families
23 and others who provide family caregiving services,
24 and the dissemination of information regarding such
25 approaches, and

1 “(B) to promote quality and continuous im-
 2 provement in systems of support provided to families
 3 and others who provide family caregiving services.

4 “(d) CAREER PREPARATION FOR THE FIELD OF
 5 AGING.—

6 “(1) GRANTS.—The Assistant Secretary shall
 7 make grants to institutions of higher education, his-
 8 torically Black colleges or universities, Hispanic Cen-
 9 ters of Excellence in Applied Gerontology, and other
 10 educational institutions that serve the needs of minor-
 11 ity students, to provide education and training to
 12 prepare students for careers in the field of aging.

13 “(2) DEFINITIONS.—For purposes of paragraph
 14 (1):

15 “(A) HISPANIC CENTER OF EXCELLENCE IN
 16 APPLIED GERONTOLOGY.—The term ‘Hispanic
 17 Center of Excellence in Applied Gerontology’
 18 means an institution of higher education with a
 19 program in applied gerontology that—

20 “(i) has a significant number of His-
 21 panic individuals enrolled in the program,
 22 including individuals accepted for enroll-
 23 ment in the program,

24 “(ii) has been effective in assisting
 25 Hispanic students of the program to com-

1 *plete the program and receive the degree in-*
 2 *volved,*

3 *“(iii) has been effective in recruiting*
 4 *Hispanic individuals to attend the pro-*
 5 *gram, including providing scholarships and*
 6 *other financial assistance to such individ-*
 7 *uals and encouraging Hispanic students of*
 8 *secondary educational institutions to attend*
 9 *the program, and*

10 *“(iv) has made significant recruitment*
 11 *efforts to increase the number and place-*
 12 *ment of Hispanic individuals serving in*
 13 *faculty or administrative positions in the*
 14 *program.*

15 *“(B) HISTORICALLY BLACK COLLEGE OR*
 16 *UNIVERSITY.—The term ‘historically Black col-*
 17 *lege or university’ has the meaning given the*
 18 *term ‘part B institution’ in section 322(2) of the*
 19 *Higher Education Act of 1965 (20 U.S.C.*
 20 *1061(2)).*

21 *“(e) PENSION RIGHTS DEMONSTRATION PROJECTS.—*

22 *“(1) DEFINITIONS.—As used in this subsection:*

23 *“(A) PENSION RIGHTS INFORMATION PRO-*
 24 *GRAM.—The term ‘pension rights information*

1 *program’ means a program described in para-*
2 *graph (3).*

3 “(B) *PENSION AND OTHER RETIREMENT*
4 *BENEFITS.—The term ‘pension and other retire-*
5 *ment benefits’ means private, civil service, and*
6 *other public pensions and retirement benefits, in-*
7 *cluding benefits provided under—*

8 “(i) *the Social Security program under*
9 *title II of the Social Security Act (42*
10 *U.S.C. 401 et seq.),*

11 “(ii) *the railroad retirement program*
12 *under the Railroad Retirement Act of 1974*
13 *(45 U.S.C. 231 et seq.),*

14 “(iii) *the government retirement bene-*
15 *fits programs under the Civil Service Re-*
16 *irement System set forth in chapter 83 of*
17 *title 5, United States Code, the Federal Em-*
18 *ployees Retirement System set forth in*
19 *chapter 84 of title 5, United States Code, or*
20 *other Federal retirement systems, or*

21 “(iv) *the Employee Retirement Income*
22 *Security Act of 1974 (29 U.S.C. 1001 et*
23 *seq.).*

1 “(2) *ESTABLISHMENT.*—*The Assistant Secretary*
 2 *shall establish and carry out pension rights dem-*
 3 *onstration projects.*

4 “(3) *PENSION RIGHTS INFORMATION PRO-*
 5 *GRAMS.*—

6 “(A) *USE OF FUNDS.*—*In carrying out the*
 7 *projects specified in paragraph (2), the Assistant*
 8 *Secretary shall, to the extent appropriations are*
 9 *available, award grants to 6 eligible entities to*
 10 *establish programs to provide outreach, informa-*
 11 *tion, counseling, referral, and assistance regard-*
 12 *ing pension and other retirement benefits, and*
 13 *rights related to such benefits.*

14 “(B) *AWARD OF GRANTS.*—

15 “(i) *TYPE OF ENTITY.*—*The Assistant*
 16 *Secretary shall award under this*
 17 *subsection—*

18 “(I) *4 grants to State agencies or*
 19 *area agencies on aging, and*

20 “(II) *2 grants to nonprofit orga-*
 21 *nizations with a proven record of*
 22 *providing—*

23 “(aa) *services related to re-*
 24 *irement of older individuals, or*

1 “(bb) *specific pension rights*
2 *counseling.*

3 “(ii) *PANEL.—In awarding grants*
4 *under this subsection, the Assistant Sec-*
5 *retary shall use a citizen advisory panel*
6 *that shall include representatives of busi-*
7 *ness, labor, national senior advocates, and*
8 *national pension rights advocates.*

9 “(iii) *CRITERIA.—In awarding grants*
10 *under this subsection, the Assistant Sec-*
11 *retary, in consultation with the panel, shall*
12 *use as criteria—*

13 “(I) *evidence of commitment of an*
14 *agency or organization to carry out a*
15 *proposed pension rights information*
16 *program,*

17 “(II) *the ability of the agency or*
18 *organization to perform effective out-*
19 *reach to affected populations, particu-*
20 *larly populations identified as in need*
21 *of special outreach, and*

22 “(III) *reliable information that*
23 *the population to be served by the*
24 *agency or organization has a demon-*

1 *strable need for the services proposed to*
2 *be provided under the program,*
3 *and shall give special consideration to ap-*
4 *plicants that have not received a grant*
5 *under this subsection.*

6 *“(C) APPLICATION.—*

7 *“(i) IN GENERAL.—To be eligible to re-*
8 *ceive a grant under this subsection, an enti-*
9 *ty shall submit an application to the Assist-*
10 *ant Secretary at such time, in such manner,*
11 *and containing such information as the As-*
12 *stant Secretary may require by rule, in-*
13 *cluding, at a minimum—*

14 *“(I) a plan for the establishment*
15 *of a pension rights information pro-*
16 *gram to serve a specific geographical*
17 *area, and*

18 *“(II) an assurance that staff*
19 *members (including volunteer staff*
20 *members) have no conflict of interest in*
21 *providing the services described in the*
22 *plan.*

23 *“(ii) PLAN.—The plan described in*
24 *clause (i) shall provide for a program*
25 *that—*

1 “(I) establishes a State or area
2 pension rights information center,

3 “(II) provides counseling (includ-
4 ing direct counseling and assistance to
5 individuals needing information) and
6 information that may assist individ-
7 uals in establishing rights to, obtain-
8 ing, and filing claims or complaints
9 related to, pension and other retire-
10 ment benefits,

11 “(III) provides information on
12 sources of pension and other retirement
13 benefits, including the benefits under
14 programs described in paragraph
15 (1)(A),

16 “(IV) makes referrals to legal
17 services and other advocacy programs,

18 “(V) establishes a system of refer-
19 ral to State, local, and Federal depart-
20 ments or agencies related to pension
21 and other retirement benefits,

22 “(VI) provides a sufficient num-
23 ber of staff positions (including volun-
24 teer positions) to ensure information,
25 counseling, referral, and assistance re-

1 *garding pension and other retirement*
2 *benefits,*

3 *“(VII) provides training pro-*
4 *grams for staff members, including vol-*
5 *unteer staff members of the programs*
6 *described in paragraph (1)(A),*

7 *“(VIII) makes recommendations*
8 *to the Administration, the Department*
9 *of Labor, another Federal entity, and*
10 *State and local agencies concerning*
11 *issues for older individuals related to*
12 *pension and other retirement benefits,*
13 *and*

14 *“(IX) establishes an outreach pro-*
15 *gram to provide information, coun-*
16 *seling, referral, and assistance regard-*
17 *ing pension and other retirement bene-*
18 *fits, with particular emphasis on out-*
19 *reach to women, minorities, and low-*
20 *income retirees.*

21 *“(4) TRAINING PROGRAM.—*

22 *“(A) USE OF FUNDS.—In carrying out the*
23 *projects described in paragraph (2), the Assistant*
24 *Secretary shall, to the extent appropriations are*

1 *available, award a grant to an eligible entity to*
2 *establish a training program to provide—*

3 “(i) *information to the staffs of entities*
4 *operating pension rights information pro-*
5 *grams, and*

6 “(ii) *assistance to the entities and as-*
7 *sist such entities in the design of program*
8 *evaluation tools.*

9 “(B) *ELIGIBLE ENTITY.—Entities eligible to*
10 *receive grants under this subsection include non-*
11 *profit private organizations with records of pro-*
12 *viding national information, referral, and advo-*
13 *cacy in matters related to pension and other re-*
14 *tirement benefits.*

15 “(C) *APPLICATION.—To be eligible to re-*
16 *ceive a grant under this subsection, an entity*
17 *shall submit an application to the Assistant Sec-*
18 *retary at such time, in such manner, and con-*
19 *taining such information as the Assistant Sec-*
20 *retary may require by rule.*

21 “(5) *DURATION.—The Assistant Secretary may*
22 *award grants under paragraphs (3) and (4) for peri-*
23 *ods not to exceed 18 months.*

24 “(6) *PENSION ASSISTANCE HOTLINE AND INTER-*
25 *AGENCY COORDINATION.—The Assistant Secretary*

1 *shall enter into interagency agreements for the estab-*
2 *lishment and operation of, and dissemination of in-*
3 *formation about, a telephone hotline for individuals*
4 *seeking outreach, information, counseling, referral,*
5 *and assistance regarding pension and other retire-*
6 *ment benefits, and rights related to such benefits. The*
7 *Assistant Secretary shall also enter into agreements*
8 *with the Secretary of Labor and with the heads of*
9 *other Federal agencies that regulate the provision of*
10 *pension and other retirement benefits, as the Assistant*
11 *Secretary determines to be appropriate, in order to*
12 *carry out this paragraph and to develop a nationwide*
13 *public-private pension assistance system.*

14 “(7) *REPORT TO CONGRESS.*—

15 “(A) *PREPARATION.*—*The Assistant Sec-*
16 *retary shall prepare a report that—*

17 “(i) *summarizes the distribution of*
18 *funds authorized for grants under this sec-*
19 *tion and the expenditure of such funds,*

20 “(ii) *summarizes the scope and content*
21 *of training and assistance provided under a*
22 *program carried out under this subsection*
23 *and the degree to which the training and*
24 *assistance can be replicated,*

1 “(iii) outlines the problems that indi-
2 viduals participating in programs funded
3 under this subsection encountered con-
4 cerning rights related to pension and other
5 retirement benefits, and

6 “(iv) makes recommendations regard-
7 ing the manner in which services provided
8 in programs funded under this subsection
9 can be incorporated into the ongoing pro-
10 grams of State agencies, area agencies on
11 aging, multipurpose senior centers, and
12 other similar entities.

13 “(B) *SUBMISSION*.—Not later than 30
14 months after the date of the enactment of this
15 Act, the Assistant Secretary shall submit the re-
16 port described in subparagraph (A) to the Com-
17 mittee on Education and the Workforce of the
18 House of Representatives and the Committee on
19 Health, Education, Labor, and Pensions of the
20 Senate.

21 “(8) *ADMINISTRATIVE EXPENSES*.—Of the funds
22 appropriated to carry out this subsection for a fiscal
23 year, not more than \$100,000 may be used by the Ad-
24 ministration for administrative expenses in carrying
25 out this subsection.

1 “(f) *HEALTH CARE SERVICE DEMONSTRATION*
2 *PROJECTS IN RURAL AREAS.*—

3 “(1) *AUTHORITY.*—*The Assistant Secretary, after*
4 *consultation with the State agency of the State in-*
5 *volved, shall make grants in accordance with para-*
6 *graph (3) to eligible public agencies and nonprofit*
7 *private organizations to pay part or all of the cost of*
8 *developing or operating model health care service*
9 *projects (including related home health care services,*
10 *adult day health care, outreach, and transportation)*
11 *through multipurpose senior centers that are located*
12 *in rural areas and that provide nutrition services*
13 *under section 331, to meet the health care needs of*
14 *medically underserved older individuals residing in*
15 *such areas.*

16 “(2) *ELIGIBILITY.*—*To be eligible to receive a*
17 *grant under paragraph (1), a public agency or non-*
18 *profit private organization shall submit to the Assist-*
19 *ant Secretary an application containing such infor-*
20 *mation and assurances as the Secretary may require*
21 *by rule, including—*

22 “(A) *information describing the nature and*
23 *extent of the applicant’s—*

1 “(i) experience in providing medical
2 services of the kinds to be provided in the
3 project for which a grant is requested, and

4 “(ii) coordination and cooperation
5 with—

6 “(I) institutions of higher edu-
7 cation having graduate programs with
8 capability in public health, the medical
9 sciences, psychology, pharmacology,
10 nursing, social work, health education,
11 nutrition, or gerontology, for the pur-
12 pose of designing and developing such
13 project, and

14 “(II) critical access hospitals (as
15 defined in section 1861(mm)(1) of the
16 Social Security Act) and rural health
17 clinics (as defined in section
18 1861(aa)(2) of the Social Security
19 Act),

20 “(B) assurances that the applicant will
21 carry out the project for which a grant is re-
22 quested, through a multipurpose senior center
23 located—

24 “(i)(I) in a rural area that has a pop-
25 ulation of less than 5000, or

1 “(II) in a county that has fewer than
2 6 individuals per square mile, and

3 “(ii) in a State in which—

4 “(I) not less than $33\frac{1}{3}$ of the pop-
5 ulation resides in rural areas,

6 “(II) not less than 5 percent of the
7 population resides in counties with
8 fewer than 6 individuals per square
9 mile, and

10 “(III) older individuals
11 comprise—

12 “(aa) not less than 17 per-
13 cent of the population, and

14 “(bb) not less than 40 per-
15 cent of the population residing in
16 areas described in subclauses (I)
17 and (II),

18 as defined and determined in accordance
19 with the most recent data then available
20 from the Bureau of the Census, and

21 “(C) assurances that the applicant will sub-
22 mit to the Assistant Secretary such evaluations
23 and reports as the Assistant Secretary may re-
24 quire by rule.

1 “(3) *RULES.*—Not later than 180 days after the
 2 date of the enactment of this Act, the Secretary shall
 3 issue rules to carry out this subsection.

4 “(4) *REPORTS.*—The Assistant Secretary shall
 5 include in the reports required by section 117, sum-
 6 maries of the evaluations and reports required under
 7 paragraph (2).

8 **“SEC. 115. MISUSE OF FUNDS BY PROVIDERS.**

9 “(a) *AUTHORITY TO BAR PROVIDERS.*—If, after notice
 10 and an opportunity for a hearing, it is determined—

11 “(1) by the Assistant Secretary that funds ex-
 12 pended under this Act (excluding title V) by a State,
 13 a State agency, or an area agency on aging, directly
 14 or indirectly by a grant to or contract with a pro-
 15 vider of goods or services, have not been expended in
 16 compliance with this Act (excluding title V) or a reg-
 17 ulation issued to carry out this Act (excluding title
 18 V), or

19 “(2) by the Secretary of Labor that funds ex-
 20 pended under title V by a recipient of a grant under
 21 section 503(a)(1), directly or indirectly by a grant to
 22 or contract with a provider to provide employment to
 23 older individuals, have not been expended in compli-
 24 ance with such title or a regulation issued to carry
 25 out such title,

1 *then the Assistant Secretary or the Secretary, as the case*
 2 *may be, may issue an order barring such provider, for a*
 3 *period not to exceed 5 years as specified in such order, from*
 4 *receiving a grant, or entering into a contract, to provide*
 5 *goods, services, or employment with funds made available*
 6 *under this Act (excluding title V) or such title, as the case*
 7 *may be.*

8 “(b) *EFFECT OF ORDER.*—*For the period during*
 9 *which an order issued under subsection (a) is in effect, none*
 10 *of the funds made available under this Act (excluding title*
 11 *V) or title V, as the case may be, may be expended directly*
 12 *or indirectly by a grant to or contract with the provider*
 13 *that is the subject of such order.*

14 **“SEC. 116. EVALUATIONS.**

15 “(a) *DUTY OF SECRETARY.*—*The Secretary may meas-*
 16 *ure and evaluate the impact and effectiveness of all pro-*
 17 *grams, projects, and activities carried out with funds pro-*
 18 *vided under this Act. Evaluations shall be conducted by per-*
 19 *sons not immediately involved in the administration of the*
 20 *programs, projects, and activities evaluated.*

21 “(b) *SOURCES OF EVALUATION INFORMATION.*—*In*
 22 *carrying out evaluations under subsection (a), the Secretary*
 23 *shall—*

1 “(1) to the maximum extent practicable, arrange
2 to obtain the opinions of participants in the pro-
3 grams, projects, and activities being evaluated, and

4 “(2) consult with organizations concerned with
5 the welfare of older individuals.

6 **“SEC. 117. REPORTS.**

7 “Not later than 120 days after the end of each fiscal
8 year beginning after September 30, 1999, the Assistant Sec-
9 retary shall prepare and submit to the President and to
10 the the Speaker of the House of Representative and the
11 President pro tempore of the Senate, a complete report on
12 the programs, projects, and activities carried out under this
13 Act in such fiscal year. Such report shall include—

14 “(1) statistical data reflecting services and ac-
15 tivities provided under this Act to older individuals
16 during the fiscal year for which such report is sub-
17 mitted,

18 “(2) statistical data collected under section
19 112(9), and

20 “(3) statistical data, and an analysis of infor-
21 mation, regarding the effectiveness of the State agency
22 and area agencies on aging in targeting services to
23 older individuals with greatest economic need and
24 older individuals with greatest social need (with par-

1 *ticular attention to low-income minority older indi-*
2 *viduals).*

3 **“SEC. 118. REDUCTION OF PAPERWORK.**

4 *“In order to reduce unnecessary, duplicative, or dis-*
5 *ruptive demands for information, the Assistant Secretary,*
6 *in consultation with State agencies and other appropriate*
7 *agencies and organizations, shall continually review and*
8 *evaluate all requests by the Administration for information*
9 *under this Act and shall take such action as may be nec-*
10 *essary to reduce the paperwork required under this Act. The*
11 *Assistant Secretary shall request only such information as*
12 *the Assistant Secretary deems essential to carry out the pur-*
13 *pose and provisions of this Act and, in gathering such infor-*
14 *mation, shall make use of uniform service definitions to the*
15 *extent that such definitions are available.*

16 **“SEC. 119. SURPLUS PROPERTY ELIGIBILITY.**

17 *“Any State or local government agency, and any non-*
18 *profit organization or institution, that receives funds ap-*
19 *propriated for programs for older individuals under this*
20 *Act, under title IV or title XX of the Social Security Act,*
21 *under title VIII or X of Public Law 88–452 (commonly*
22 *known as the Economic Opportunity Act of 1964) or the*
23 *Community Services Block Grant Act, shall be deemed to*
24 *be eligible to receive for such programs, property that is*

1 *declared surplus to the needs of the Federal Government in*
 2 *accordance with laws applicable to surplus property.*

3 **“SEC. 120. BENEFIT TREATMENT UNDER OTHER LAWS.**

4 *“No benefit (excluding wages and cash allowances that*
 5 *are not reimbursements) received under a program, project,*
 6 *or activity carried out under this Act shall be treated under*
 7 *any Federal, State, or local law as income or resources of*
 8 *an eligible individual participating in such program,*
 9 *project, or activity.*

10 **“SEC. 121. AUTHORIZATION OF APPROPRIATIONS.**

11 *“(a) IN GENERAL.— For the expenses (including sala-*
 12 *ries) of the Administration on Aging to carry out this Act*
 13 *(other than subsections (c), (d), (e), and (f) of section 114),*
 14 *there are authorized to be appropriated \$15,100,000 for fis-*
 15 *cal year 2000 and such sums as may be necessary for fiscal*
 16 *years 2001, 2002, 2003, 2004.*

17 *“(b) RESEARCH, TRAINING, AND DEMONSTRATION.—*
 18 *(1) There are authorized to be appropriated to carry out*
 19 *subsections (c), (d), (e), and (f) of section 114, \$18,400,000*
 20 *for fiscal year 2000 and such sums as may be necessary*
 21 *for fiscal years 2001, 2002, 2003, and 2004.*

22 *“(2) Of the amount appropriated under paragraph (1)*
 23 *for each fiscal year—*

24 *“(A) not more than \$1,000,000 shall be available*
 25 *to carry out section 112(12), and*

1 “(B) subject to paragraph (3)—

2 “(i) not less than \$540,000 shall be avail-
3 able to make grants under section 114(d) to His-
4 panic Centers of Excellence in Applied Geron-
5 tology, and

6 “(ii) not less than \$1,200,000 shall be avail-
7 able to make grants under section 114(d) to his-
8 torically Black colleges or universities,

9 “(C) not less than \$1,000,000 shall be avail-
10 able to carry out section 114(e), and

11 “(D) not less than \$1,500,000 shall be avail-
12 able to carry out section 114(f).

13 “(3) If the amount appropriated under paragraph (1)
14 for any fiscal year is less than the aggregate of the amounts
15 specified in subparagraphs (B), (C), and (D) of paragraph
16 (2), each of such amounts shall be reduced pro rata as nec-
17 essary to cause such aggregate to equal such amount.

18 **“TITLE II—GRANTS FOR NATIVE**
19 **AMERICAN PROGRAMS ON**
20 **AGING**

21 **“SEC. 201. GRANTS FOR SERVICES TO NATIVE AMERICANS.**

22 “(a) *AUTHORITY TO MAKE GRANTS.*—The Assistant
23 Secretary may make grants to eligible organizations to pay
24 all of the costs for delivery of supportive services and nutri-

1 *tion services for older individuals who are Native Ameri-*
 2 *cans.*

3 “(b) *ELIGIBILITY OF ORGANIZATIONS.—An organiza-*
 4 *tion is eligible to receive a grant under this title (excluding*
 5 *section 204) only if the organization is—*

6 “(1) *a tribal organization that—*

7 “(A) *represents at least 50 older individ-*
 8 *uals, and*

9 “(B) *demonstrates the ability to deliver sup-*
 10 *portive services and nutritional services,*

11 “(2) *an Alaska Native organization that—*

12 “(A) *represents at least 50 older individ-*
 13 *uals, and*

14 “(B) *demonstrates the ability to deliver sup-*
 15 *portive services and nutritional services, or*

16 “(3) *a public or nonprofit private organization*
 17 *that—*

18 “(A) *will serve at least 50 older individuals*
 19 *who are Native Hawaiians, and*

20 “(B) *demonstrates the ability to deliver sup-*
 21 *portive services and nutrition services.*

22 **“SEC. 202. APPLICATIONS FOR GRANTS.**

23 “(a) *REQUIREMENT.—A grant may not be made under*
 24 *this title (excluding section 204) unless an eligible organiza-*
 25 *tion submits an application to the Assistant Secretary that*

1 *meets such criteria as the Assistant Secretary may establish*
2 *by rule. Each such application shall—*

3 *“(1) provide that such organization shall evalu-*
4 *ate the need for supportive and nutrition services*
5 *among older individuals who are—*

6 *“(A) Indians represented by such organiza-*
7 *tion if such organization is a tribal organiza-*
8 *tion,*

9 *“(B) Alaska Natives represented by such or-*
10 *ganization if such organization is an Alaska Na-*
11 *tive organization, or*

12 *“(C) Native Hawaiians to be served by such*
13 *organization,*

14 *“(2) provide for the use of such methods of ad-*
15 *ministration as are necessary for the proper and effi-*
16 *cient administration of the project to be carried out*
17 *with such grant,*

18 *“(3) provide an assurance that such organization*
19 *will make such reports in such form and containing*
20 *such information, as the Assistant Secretary may rea-*
21 *sonably require, and comply with such requirements*
22 *as the Assistant Secretary may impose to ensure the*
23 *correctness of such reports,*

24 *“(4) provide for periodic evaluation of the*
25 *project to be carried out with such grant,*

1 “(5) establish objectives toward which such
2 project will be directed, identify obstacles to the at-
3 tainment of such objectives, and indicate the manner
4 in which such organization proposes to overcome such
5 obstacles,

6 “(6) provide for establishing and maintaining
7 information and assistance services to ensure that
8 older individuals who are served by such project will
9 have reasonably convenient access to the services and
10 activities provided by such project,

11 “(7) provide that a preference for older individ-
12 uals who are Native Americans for full- or part-time
13 staff positions will be given whenever feasible,

14 “(8) provide an assurance that, either directly or
15 by way of grant or contract with appropriate entities,
16 nutrition services will be delivered to older individ-
17 uals who are—

18 “(A) Indians represented by such organiza-
19 tion if such organization is a tribal organiza-
20 tion,

21 “(B) Alaska Natives represented by such or-
22 ganization if such organization is an Alaska Na-
23 tive organization, or

24 “(C) Native Hawaiians to be served by such
25 organization,

1 *and will substantially comply with chapter 2 of sub-*
2 *title A of title III, except that in any case in which*
3 *the need of such individuals for nutritional services is*
4 *already met from other sources, such organization*
5 *may expend for supportive services the funds other-*
6 *wise required to be expended under this paragraph,*

7 *“(9) provide that any legal services or ombuds-*
8 *man services made available to older individuals who*
9 *are—*

10 *“(A) Indians represented by such organiza-*
11 *tion if such organization is a tribal organiza-*
12 *tion,*

13 *“(B) Alaska Natives represented by such or-*
14 *ganization if such organization is an Alaska Na-*
15 *tive organization, or*

16 *“(C) Native Hawaiians to be served by such*
17 *organization,*

18 *will be in substantial compliance with the provisions*
19 *of subtitle A of title III relating to the furnishing of*
20 *similar services,*

21 *“(10) contain satisfactory assurances that fiscal*
22 *control and fund accounting procedures will be adopt-*
23 *ed as may be necessary to ensure proper disbursement*
24 *of, and accounting for, Federal funds paid under this*
25 *title to such organization, including any funds paid*

1 *by such organization to a recipient of a grant or con-*
2 *tract,*

3 *“(11) contain assurances that such organization*
4 *will coordinate services provided under this title with*
5 *services provided under subtitle A of title III in the*
6 *same geographical area, and*

7 *“(12) if the organization elects to solicit vol-*
8 *untary contributions from older individuals, provide*
9 *that such organization will ensure that such contribu-*
10 *tions will be—*

11 *“(A) based on the ability of the older indi-*
12 *viduals to make such contributions, and*

13 *“(B) used to increase, or to expand access*
14 *to, services provided under this title.*

15 *“(b) POPULATION STATISTICS.—For the purpose of*
16 *any application submitted under subsection (a), an eligible*
17 *organization may develop its own population statistics,*
18 *with a certification from the Bureau of Indian Affairs, in*
19 *order to establish eligibility to receive a grant under this*
20 *title.*

21 *“(c) APPROVAL OF APPLICATION.—The Assistant Sec-*
22 *retary shall approve any application that complies with*
23 *subsection (a).*

24 *“(d) APPLICATION NOT APPROVED.—Whenever the As-*
25 *sistant Secretary determines not to approve an application*

1 *submitted under subsection (a) the Assistant Secretary*
 2 *shall—*

3 “(1) *state objections in writing to the organiza-*
 4 *tion within 60 days after such determination,*

5 “(2) *provide, to the extent practicable, technical*
 6 *assistance to the organization to overcome such stated*
 7 *objections, and*

8 “(3) *provide the organization with a hearing,*
 9 *under such rules as the Assistant Secretary may*
 10 *issue.*

11 “(e) *PERIOD FUNDED.—Whenever the Assistant Sec-*
 12 *retary approves an application of an organization under*
 13 *subsection (a), a grant shall be made for a period of not*
 14 *less than 12 months.*

15 **“SEC. 203. DISTRIBUTION OF FUNDS AMONG TRIBAL ORGA-**
 16 **NIZATIONS, ALASKA NATIVE ORGANIZATIONS,**
 17 **AND ORGANIZATIONS SERVING NATIVE HA-**
 18 **WAIANS.**

19 “(a) *MAINTENANCE OF 1991 AMOUNTS.—Subject to the*
 20 *availability of appropriations to carry out this title, the*
 21 *amount of the grant (if any) made under this title to a*
 22 *tribal organization, an Alaska Native organization, or an*
 23 *organization serving Native Hawaiians for fiscal year 2000*
 24 *and for each subsequent fiscal year shall be not less than*
 25 *the amount of the grant made under title VI of the Older*

1 *Americans Act of 1965 to the tribal organization, the Alas-*
 2 *ka Native organization, or the organization serving Native*
 3 *Hawaiians for fiscal year 1991.*

4 “(b) *USE OF ADDITIONAL AMOUNTS APPRO-*
 5 *PRIATED.—If the amount appropriated to carry out this*
 6 *title in a fiscal year subsequent to fiscal year 2000 exceeds*
 7 *the amount appropriated to carry out title VI of the Older*
 8 *Americans Act of 1965 in fiscal year 1991, then the amount*
 9 *of the grant (if any) made under this title to a tribal orga-*
 10 *nization, an Alaska Native organization, or an organiza-*
 11 *tion serving Native Hawaiians for such subsequent fiscal*
 12 *year shall be—*

13 “(1) *increased by such amount as the Assistant*
 14 *Secretary considers to be appropriate, in addition to*
 15 *the amount of any increase required by subsection*
 16 *(a), so that the grant equals or more closely ap-*
 17 *proaches the amount of the grant made under title VI*
 18 *of the Older Americans Act of 1965 to the tribal orga-*
 19 *nization or the Alaska Native organization for fiscal*
 20 *year 1980, or to the organization serving Native Ha-*
 21 *waiians for fiscal year 1995, or*

22 “(2) *an amount the Assistant Secretary con-*
 23 *siders to be sufficient if the tribal organization, the*
 24 *Alaska Native organization, or the organization serv-*
 25 *ing Native Hawaiians did not receive a grant under*

1 *title VI of the Older Americans Act of 1965 for either*
 2 *fiscal year 1980 or fiscal year 1991.*

3 **“SEC. 204. SURPLUS EDUCATIONAL FACILITIES.**

4 “(a) *REQUIREMENT.*—*Notwithstanding any other pro-*
 5 *vision of law, the Secretary of the Interior—*

6 “(1) *acting through the Bureau of Indian Af-*
 7 *fairs, shall make available surplus Indian educational*
 8 *facilities and surplus Alaska Native educational fa-*
 9 *cilities to tribal organizations and Alaska Native or-*
 10 *ganizations, and to nonprofit organizations with the*
 11 *approval of the Indian tribe or Alaska Native organi-*
 12 *zation involved, and*

13 “(2) *shall make available to organizations de-*
 14 *scribed in section 201(b)(3) any other surplus edu-*
 15 *cational facilities located in the State of Hawaii that*
 16 *are under the control of the Secretary of the Interior,*
 17 *for use as multipurpose senior centers. Such centers may*
 18 *be altered so as to provide extended care facilities, commu-*
 19 *nity center facilities, nutrition services, adult day care serv-*
 20 *ices, child care services, and other supportive services.*

21 “(b) *APPLICATION.*—*To request to receive surplus edu-*
 22 *cational facilities made available under subsection (a), a*
 23 *tribal organization, an Alaska Native organization, or an*
 24 *organization described in section 201(b)(3) shall submit an*
 25 *application to the Secretary of the Interior at such time*

1 *and in such manner, and containing such information, as*
2 *the Secretary of the Interior determines to be necessary to*
3 *carry out this section.*

4 **“SEC. 205. ADMINISTRATION.**

5 *“For the purpose of issuing rules to carry out this title,*
6 *the Assistant Secretary shall consult with the Secretary of*
7 *the Interior.*

8 **“SEC. 206. PAYMENTS.**

9 *“Payments may be made under this title (after nec-*
10 *essary adjustments on account of previously made overpay-*
11 *ments or underpayments) in advance or by way of reim-*
12 *bursement in such installments and on such conditions as*
13 *the Assistant Secretary may determine.*

14 **“SEC. 207. AUTHORIZATION OF APPROPRIATIONS.**

15 *“There are authorized to be appropriated to carry out*
16 *this title \$18,800,000 for fiscal year 2000 and such sums*
17 *as may be necessary for fiscal years 2001, 2002, 2003, and*
18 *2004.*

1 **“TITLE III—GRANTS FOR STATE**
 2 **AND COMMUNITY PROGRAMS**
 3 **ON AGING**

4 **“Subtitle A—Grants for Programs**
 5 **on Aging**

6 **“CHAPTER 1—GENERAL PROVISIONS**

7 **“SEC. 301. TECHNICAL ASSISTANCE AND COOPERATION.**

8 *“In carrying out this title, the Assistant Secretary*
 9 *may request the technical assistance and cooperation of*
 10 *such other Federal agencies as the Assistant Secretary con-*
 11 *siders to be appropriate.*

12 **“SEC. 302. ALLOTMENTS; FEDERAL SHARE.**

13 *“(a) ALLOTMENT OF FUNDS FOR SUPPORTIVE SERV-*
 14 *ICES, MULTIPURPOSE SENIOR CENTERS, AND NUTRITION*
 15 *SERVICES.—*

16 *“(1) RESERVATION OF FUNDS.—(A) Subject to*
 17 *subparagraphs (B), (C), and (D), the amounts appro-*
 18 *priated under subsections (a), (b), and (c) of section*
 19 *391 for fiscal years 2000 through 2004 shall be allot-*
 20 *ted by the Assistant Secretary among the States pro-*
 21 *portionately based on the population of individuals*
 22 *60 years of age or older in the States.*

23 *“(B) Subject to subparagraph (C), the amounts*
 24 *allotted under subparagraph (A) shall be reduced pro-*
 25 *portionately to the extent necessary to increase other*

1 *allotments under such subparagraph (A) to achieve*
2 *the following:*

3 *“(i) Each State shall be allotted $\frac{1}{2}$ of 1 per-*
4 *cent of the amount appropriated for the fiscal*
5 *year for which the determination is made.*

6 *“(ii) Guam and the Virgin Islands of the*
7 *United States shall each be allotted $\frac{1}{4}$ of 1 per-*
8 *cent of the amount appropriated for the fiscal*
9 *year for which the determination is made.*

10 *“(iii) American Samoa and the Common-*
11 *wealth of the Northern Mariana Islands shall*
12 *each be allotted $\frac{1}{16}$ of 1 percent of the amount*
13 *appropriated for the fiscal year for which the de-*
14 *termination is made.*

15 *“(C) For each fiscal year each State shall be al-*
16 *lotted an amount that is not less than the amount al-*
17 *lotted to such State under section 304(a)(1) of the*
18 *Older Americans Act of 1965 for fiscal year 1987.*

19 *“(D) For the purposes of subparagraphs (B)(i)*
20 *and (C), the term ‘State’ does not include Guam,*
21 *American Samoa, the Virgin Islands of the United*
22 *States, and the Commonwealth of the Northern Mar-*
23 *iana Islands.*

24 *“(E) The number of individuals 60 years of age*
25 *or older in any State and in all States shall be deter-*

1 *mined by the Assistant Secretary on the basis of the*
2 *most recent data available from the Bureau of the*
3 *Census and other reliable demographic data satisfac-*
4 *tory to the Assistant Secretary.*

5 *“(2) WITHHOLDING OF FUNDS.—(A) If the As-*
6 *stant Secretary finds that a State fails to qualify*
7 *under the State plan requirements of section 304, the*
8 *Assistant Secretary shall withhold from the State*
9 *funds allotted under paragraph (1) for the fiscal year*
10 *for which such plan is submitted.*

11 *“(B) The Assistant Secretary shall disburse the*
12 *funds so withheld directly to any public or nonprofit*
13 *private institution or organization, agency, or polit-*
14 *ical subdivision of the State submitting an approved*
15 *plan under section 304, that includes an agreement*
16 *that any such funds so disbursed shall be matched in*
17 *cash or in kind, from non-Federal sources, to pay the*
18 *remainder of the cost of carrying out chapters 2 and*
19 *3 as described in paragraph (3)(A), but not less than*
20 *15 percent of such cost.*

21 *“(3) FEDERAL SHARE.—(A) Funds received by a*
22 *State from allotments made under this subsection for*
23 *a fiscal year may be used to pay not more than 85*
24 *percent of the cost of carrying out chapters 2 and 3.*

1 “(B) *The non-Federal share of such cost shall be*
 2 *contributed in cash or in kind. In determining the*
 3 *amount of the non-Federal share, the Assistant Sec-*
 4 *retary may attribute fair market value to services*
 5 *and facilities contributed from non-Federal sources.*

6 “(b) *ALLOTMENT OF ADDITIONAL FUNDS FOR STATE*
 7 *LONG-TERM CARE OMBUDSMAN PROGRAMS AND FOR SERV-*
 8 *ICES FOR THE PREVENTION AND REMEDIATION OF ELDER*
 9 *ABUSE, NEGLECT, AND EXPLOITATION.—*

10 “(1) *POPULATION.—Amounts appropriated*
 11 *under section 493 for a fiscal year shall be allotted by*
 12 *the Assistant Secretary initially among the States*
 13 *proportionately based on the population of individ-*
 14 *uals 60 years of age or older in the States.*

15 “(2) *MINIMUM ALLOTMENTS.—*

16 (A) *IN GENERAL.—After making the initial*
 17 *allotments described in paragraph (1), the As-*
 18 *stant Secretary shall adjust the allotments on*
 19 *a pro rata basis in accordance with subpara-*
 20 *graphs (B) and (C).*

21 “(B) *GENERAL MINIMUM ALLOTMENTS.—*

22 “(i) *MINIMUM ALLOTMENT FOR*
 23 *STATES.—Each State shall be allotted not*
 24 *less than 1/2 of 1 percent of the funds appro-*

1 *priated under section 493 for the fiscal year*
 2 *for which the determination is made.*

3 “(ii) *OTHER MINIMUM ALLOTMENTS.—*
 4 *Guam and the Virgin Islands of the United*
 5 *States shall each be allotted not less than $\frac{1}{4}$*
 6 *of 1 percent of the funds appropriated*
 7 *under section 493 for the fiscal year for*
 8 *which the determination is made. American*
 9 *Samoa and the Commonwealth of the*
 10 *Northern Mariana Islands shall each be al-*
 11 *lotted not less than $\frac{1}{16}$ of 1 percent of the*
 12 *amount appropriated under section 493 for*
 13 *the fiscal year for which the determination*
 14 *is made.*

15 “(C) *MINIMUM ALLOTMENTS FOR OMBUDS-*
 16 *MAN PROGRAMS AND SERVICES FOR THE PRE-*
 17 *VENTION OF ELDER ABUSE, NEGLECT, AND EX-*
 18 *PLOITATION.—From funds appropriated under*
 19 *section 493, each State shall be allotted not less*
 20 *than the amount allotted to such State for fiscal*
 21 *year 1991 under section 304 of the Older Ameri-*
 22 *cans Act of 1965 to carry out State long-term*
 23 *care ombudsman programs and programs with*
 24 *respect to the prevention of elder abuse, neglect,*
 25 *and exploitation, under title III of such Act.*

1 “(D) *DEFINITION.*—*For the purposes of this*
 2 *paragraph, the term ‘State’ does not include*
 3 *Guam, American Samoa, the Virgin Islands of*
 4 *the United States, and the Commonwealth of the*
 5 *Northern Mariana Islands.*

6 “(c) *ALLOTMENT OF FUNDS FOR FAMILY CAREGIVER*
 7 *SERVICES.*—

8 “(1)(A) *Subject to paragraph (2), amounts ap-*
 9 *propriated under section 391(d) for fiscal years 2000*
 10 *through 2004 shall be allotted by the Assistant Sec-*
 11 *retary among the States proportionately based on the*
 12 *population of individuals 70 years of age or older in*
 13 *the States.*

14 “(B) *The number of individuals 70 years of age*
 15 *or older in any State and in all States shall be deter-*
 16 *mined by the Assistant Secretary on the basis of the*
 17 *most recent data available from the Bureau of the*
 18 *Census and other reliable demographic data satisfac-*
 19 *tory to the Assistant Secretary.*

20 “(2) *MINIMUM ALLOTMENTS.*—

21 “(A) *The amounts allotted under paragraph*
 22 *(1) shall be reduced proportionately to the extent*
 23 *necessary to increase other allotments under such*
 24 *paragraph to achieve the amounts described in*
 25 *subparagraph (B).*

1 “(B)(i) *Each State shall be allotted $\frac{1}{2}$ of 1*
 2 *percent of the amount appropriated for the fiscal*
 3 *year for which the determination is made.*

4 “(ii) *Guam and the Virgin Islands of the*
 5 *United States shall each be allotted $\frac{1}{4}$ of 1 per-*
 6 *cent of the amount appropriated for the fiscal*
 7 *year for which the determination is made.*

8 “(iii) *American Samoa and the Common-*
 9 *wealth of the Northern Mariana Islands shall*
 10 *each be allotted $\frac{1}{16}$ of 1 percent of the amount*
 11 *appropriated for the fiscal year for which the de-*
 12 *termination is made.*

13 “(C) *For the purposes of subparagraph (B)(i),*
 14 *the term ‘State’ does not include Guam, American*
 15 *Samoa, the Virgin Islands of the United States, and*
 16 *the Commonwealth of the Northern Mariana Islands.*

17 “(d) *PERMITTED USE OF ALLOTMENTS.—*

18 “(1) *ADMINISTRATION OF STATE PLANS.—(A)*
 19 *Except as provided in subparagraph (B), 5 percent of*
 20 *the allotment made to a State under subsection (a) or*
 21 *\$500,000, whichever is greater, shall be available to*
 22 *the State to use in accordance with section 306(a).*

23 “(B) *In the case of an allotment made under*
 24 *subsection (a) to Guam, American Samoa, the Virgin*
 25 *Islands of the United States, and the Commonwealth*

1 *of the Northern Mariana Islands, 5 percent of such al-*
2 *lotment or \$100,000, whichever is greater, shall be*
3 *available to each to use in accordance with section*
4 *306(a).*

5 “(2) *APPLICATION TO USE ADDITIONAL FUNDS.—*

6 *(A) If the Assistant Secretary determines, based upon*
7 *a particularized showing of need that—*

8 “(i) *the State will be unable to fully and ef-*
9 *fectively administer its State plan and to carry*
10 *out programs, projects, and activities authorized*
11 *by chapters 2 and 3 unless additional funds are*
12 *made available by the Assistant Secretary,*

13 “(ii) *the State is making full and effective*
14 *use of its allotment under paragraph (1) and of*
15 *the personnel of the State agency and area agen-*
16 *cies designated under section 303(a)(2)(A) in the*
17 *administration of its State plan in accordance*
18 *with section 306(a), and*

19 “(iii) *the State agency and area agencies on*
20 *aging are carrying out, on a full-time basis, pro-*
21 *grams, projects, and activities that are in fur-*
22 *therance of the purpose of chapters 2 and 3,*

23 *then the Assistant Secretary may approve an applica-*
24 *tion submitted by the State to request permission to*

1 *use in accordance with section 306(a) a greater per-*
2 *centage of its allotment under subsection (a).*

3 *“(B) Subject to subparagraph (C), the Assistant*
4 *Secretary may approve any part of the greater per-*
5 *centage requested in such application that the Assist-*
6 *ant Secretary determines is justified in such applica-*
7 *tion.*

8 *“(C) The aggregate amount available under this*
9 *subsection to a particular State in any fiscal year*
10 *may not exceed $\frac{3}{4}$ of 1 percent of the allotment made*
11 *under subsection (a) for such fiscal year.*

12 *“(D) An application submitted under subpara-*
13 *graph (A) by a State may not be approved unless it*
14 *contains assurances that no funds received by the*
15 *State under this subsection will be used to hire any*
16 *individual to fill a job opening created by the action*
17 *of the State in laying off or terminating the employ-*
18 *ment of any regular employee not supported under*
19 *this Act in anticipation of filling the vacancy so cre-*
20 *ated by hiring an employee to be supported through*
21 *use of amounts received under this subsection.*

22 *“(3) ADDITIONAL USES.—Of the allotment made*
23 *under subsection (a) to a State for a fiscal year and*
24 *remaining after the application of paragraph (1),*
25 *such part as the State agency determines, but not*

1 *more than 10 percent of such remaining amount, may*
 2 *be used to pay such percentage as the State agency*
 3 *determines, but not more than 75 percent, of the ad-*
 4 *ministrative costs incurred to carry out area plans*
 5 *submitted in accordance with section 305.*

6 **“SEC. 303. ELIGIBILITY OF STATES; ORGANIZATION.**

7 *“(a) ELIGIBILITY OF STATES.—For a State to be eligi-*
 8 *ble to receive funds allotted under section 302(a)—*

9 *“(1) the State shall, in accordance with rules*
 10 *issued by the Secretary, designate a State agency as*
 11 *the sole State agency to—*

12 *“(A) develop a State plan to be submitted*
 13 *to the Assistant Secretary for approval under*
 14 *section 304,*

15 *“(B) administer the State plan within the*
 16 *State,*

17 *“(C) be responsible for the planning, policy*
 18 *development, administration, coordination, pri-*
 19 *ority setting, and evaluation of all State activi-*
 20 *ties related to carrying out chapters 2 and 3,*

21 *“(D) serve as an effective and visible advo-*
 22 *cate for older individuals by reviewing and com-*
 23 *menting on all State plans, budgets, and policies*
 24 *that affect older individuals, and to provide tech-*
 25 *nical assistance to any agency, organization, or*

1 *association representing the needs of older indi-*
2 *viduals, and*

3 “(E) *except as provided in subsection (d),*
4 *divide the State into distinct planning and serv-*
5 *ice areas or designate the entire State as a single*
6 *planning and service area,*

7 “(2) *the State agency shall—*

8 “(A) *designate an area agency on aging for*
9 *each planning and service area,*

10 “(B) *take into account in the development*
11 *and administration of the State plan for any fis-*
12 *cal year the views of—*

13 “(i) *recipients of supportive services,*
14 *nutrition services, or community service*
15 *employment, or*

16 “(ii) *individuals using multipurpose*
17 *senior centers,*

18 *as the case may be, provided under such plan,*

19 “(C) *after consultation with area agencies*
20 *and using the best available data, develop and*
21 *publish for review and comment a formula for*
22 *distribution within the State of funds received*
23 *under chapters 2 and 3 that takes into*
24 *account—*

1 “(i) the geographical distribution (in-
 2 cluding distribution in rural areas) of older
 3 individuals in the State, and

4 “(ii) the distribution among planning
 5 and service areas of older individuals with
 6 greatest economic need and older individ-
 7 uals with greatest social need, with par-
 8 ticular attention to low-income minority
 9 older individuals and to older individuals
 10 residing in rural areas, and

11 “(D) provide an assurance that preference
 12 will be given to providing services to older indi-
 13 viduals with greatest economic need and older
 14 individuals with greatest social need, with par-
 15 ticular attention to low-income minority older
 16 individuals and to older individuals residing in
 17 rural areas, and include in the State plan a de-
 18 scription of the methods the State will use to
 19 carry out such preference.

20 “(b) DESIGNATION OF AREA AGENCIES ON AGING.—

21 (1) An area agency on aging designated under subsection

22 (a) shall be—

23 “(A) an established office of aging,

24 “(B) any office or agency of a unit of general
 25 purpose local government, that is designated to func-

1 *tion only for the purpose of serving as an area agency*
2 *on aging by the chief elected official of such unit,*

3 *“(C) any office or agency designated by the ap-*
4 *propriate chief elected officials of any combination of*
5 *units of general purpose local government to act only*
6 *on behalf of such combination for such purpose,*

7 *“(D) any public or nonprofit private agency in*
8 *a planning and service area, or any separate organi-*
9 *zational unit within such agency, that is under the*
10 *supervision or direction for this purpose of the des-*
11 *ignated State agency and that can and will engage*
12 *only in the planning or provision of a broad range*
13 *of supportive services, or nutrition services within the*
14 *planning and service area, or*

15 *“(E) in the case of a State designated under sub-*
16 *section (a)(1)(E) as a single planning and service*
17 *area, the State agency,*

18 *and shall provide assurance, determined adequate by the*
19 *State agency, that the area agency on aging will have the*
20 *ability to develop an area plan and to carry out, directly*
21 *or through contractual or other arrangements, a program*
22 *in accordance with the plan within the planning and serv-*
23 *ice area.*

24 *“(2) In designating an area agency on aging within*
25 *the planning and service area or within any unit of general*

1 *purpose local government designated as a planning and*
 2 *service area, the State shall give preference to an established*
 3 *office on aging, unless the State agency finds that no such*
 4 *office within the planning and service area will have the*
 5 *capacity to carry out the area plan.*

6 “(c) *DUE PROCESS.*—

7 “(1) *ESTABLISHMENT OF PROCEDURES.*—A
 8 *State agency shall establish, after consultation with*
 9 *area agencies on aging, procedures to provide due*
 10 *process to affected parties, if the State agency initi-*
 11 *ates an action or proceeding to change the designation*
 12 *of any designated planning and service area or of*
 13 *any designated area agency on aging.*

14 “(2) *REQUIREMENTS.*—Such procedures shall
 15 *include—*

16 “(A) *providing notice of an action or pro-*
 17 *ceeding described in paragraph (1),*

18 “(B) *documenting the need for the action or*
 19 *proceeding,*

20 “(C) *conducting a public hearing for the ac-*
 21 *tion or proceeding,*

22 “(D) *involving area agencies on aging, serv-*
 23 *ice providers, and older individuals in the action*
 24 *or proceeding, and*

1 “(E) allowing an appeal of the decision of
 2 the State agency in the action or proceeding to
 3 the Assistant Secretary.

4 “(d) *GRANDFATHER PROVISION.*—A State that on or
 5 before October 1, 1980, had designated, with the approval
 6 of the Commissioner on Aging, a single planning and serv-
 7 ice area covering all of the older individuals in the State,
 8 in which the State agency was administering the area plan,
 9 may after that date designate one or more additional plan-
 10 ning and service areas within the State to be administered
 11 by public or nonprofit private agencies or organizations as
 12 area agencies on aging. The State agency shall continue to
 13 perform the functions of an area agency on aging for any
 14 area of the State not included in a planning and service
 15 area for which an area agency on aging has been des-
 16 igned.

17 **“SEC. 304. STATE PLANS.**

18 “(a) *PLAN.*—To be eligible for grants from its allot-
 19 ment under section 302(a) for any fiscal year, each State
 20 shall submit to the Assistant Secretary a State plan for a
 21 2-, 3-, or 4-year period determined by the State agency,
 22 with such annual revisions as are necessary. Each such
 23 plan shall comply with all of the following requirements:

24 “(1) *UNIFORM AREA PLAN FORMAT.*—The plan
 25 shall be based upon area plans developed by area

1 *agencies on aging within the State designated under*
2 *section 303(a)(2)(A), and the State will prepare and*
3 *distribute a uniform format to be used by area agen-*
4 *cies on aging to submit to the State agency the area*
5 *plans developed under section 305.*

6 *“(2) APPROVAL OF AREA PLAN.—The plan shall*
7 *provide that each area agency on aging designated*
8 *under section 303(a)(2)(A) will develop and submit to*
9 *the State agency for approval an area plan that com-*
10 *plies with section 305.*

11 *“(3) EVALUATION OF NEED.—The plan shall*
12 *provide that the State agency will evaluate the need*
13 *for supportive services, nutrition services (taking into*
14 *consideration the comparative need for home-delivered*
15 *nutrition services and for congregate nutrition serv-*
16 *ices), multipurpose senior centers, and community*
17 *service employment within the State in serving eligi-*
18 *ble populations (including older individuals with*
19 *greatest economic need and older individuals with*
20 *greatest social need, with particular attention to low-*
21 *income minority older individuals and to older indi-*
22 *viduals residing in rural areas) and will determine*
23 *the extent to which existing public or private pro-*
24 *grams meet such need. To conduct the evaluation, the*

1 *State agency shall use the procedures implemented*
2 *under section 112(10).*

3 “(4) *HEARINGS.*—*The plan shall provide that*
4 *the State agency will establish a grievance procedure*
5 *that will afford an opportunity for a hearing upon*
6 *request to any area agency on aging submitting a*
7 *plan under section 305, to any provider of a service*
8 *under such a plan, or to any applicant to provide*
9 *a service under such a plan. The State agency shall*
10 *establish and publish the procedures for requesting*
11 *and conducting such hearing.*

12 “(5) *FISCAL CONTROL AND FUND ACCOUNTING;*
13 *CONFLICTS OF INTEREST.*—(A) *The plan shall provide*
14 *satisfactory assurance that such fiscal control and*
15 *fund accounting procedures will be adopted as may be*
16 *necessary to assure proper disbursement of, and ac-*
17 *counting for, funds received from allotments made*
18 *under section 302(a) to the State, including any such*
19 *funds paid to the recipients of a grant or contract.*

20 “(B) *The plan shall provide assurances that—*

21 “(i) *no individual (appointed or otherwise)*
22 *involved in the designation of the State agency*
23 *or an area agency on aging, or in the designa-*
24 *tion of the head of any subdivision of the State*
25 *agency or of an area agency on aging, is subject*

1 *to a conflict of interest prohibited under this sub-*
2 *title,*

3 “(ii) no officer, employee, or other rep-
4 resentative of the State agency or an area agency
5 on aging is subject to a conflict of interest pro-
6 hibited under this subtitle, and

7 “(iii) mechanisms are in place to identify
8 and remove conflicts of interest prohibited under
9 this subtitle.

10 “(C) The plan shall provide assurances that the
11 State agency and each area agency on aging will—

12 “(i) maintain the integrity and public pur-
13 pose of services provided, and service providers,
14 under the State plan in all contractual and com-
15 mercial relationships, and

16 “(ii) demonstrate that the quantity or qual-
17 ity of the services to be provided under the State
18 plan will be enhanced as a result of such con-
19 tract or such relationship,

20 “(6) INFORMATION AND ASSISTANCE SERVICES.—
21 The plan shall provide for establishing and maintain-
22 ing information and assistance services in sufficient
23 numbers to ensure, to the maximum extent prac-
24 ticable, that all older individuals in the State who are
25 not furnished adequate information and assistance

1 *services under section 305(a)(3) will have reasonably*
2 *convenient access to such services.*

3 “(7) *LIMITATIONS.—(A) The plan shall provide*
4 *that no supportive services, nutrition services, or in-*
5 *home services will be directly provided by the State*
6 *agency or an area agency on aging, except when, in*
7 *the judgment of the State agency—*

8 “(i) *provision of such services by the State*
9 *agency or an area agency on aging is necessary*
10 *to ensure an adequate supply of such services,*

11 “(ii) *such services are directly related to the*
12 *administrative functions of the State agency or*
13 *area agency on aging, or*

14 “(iii) *such services of comparable quality*
15 *can be provided more economically by the State*
16 *agency or area agency on aging.*

17 “(B) *Subparagraph (A) shall not apply with re-*
18 *spect to information and assistance services or to out-*
19 *reach.*

20 “(C) *Subparagraph (A) shall not apply with re-*
21 *spect to case management services provided by an*
22 *area agency on aging.*

23 “(8) *STATE LONG-TERM CARE OMBUDSMAN PRO-*
24 *GRAM.—Subject to subsection (g), the plan shall pro-*
25 *vide assurances that the State agency will carry out*

1 *a State long-term care ombudsman program in ac-*
2 *cordance with subtitles B and D of title IV.*

3 “(9) *LEGAL ASSISTANCE.—The plan shall con-*
4 *tain assurances that with respect to legal assistance—*

5 “(A) *that area agencies on aging—*

6 “(i) *will enter into contracts with pro-*
7 *viders of legal assistance that can dem-*
8 *onstrate the experience or capacity to de-*
9 *liver legal assistance,*

10 “(ii) *will attempt to involve the pri-*
11 *vate bar in legal assistance activities au-*
12 *thorized under this chapter, including*
13 *groups within the private bar furnishing*
14 *services to older individuals on a pro bono*
15 *and reduced fee basis, and*

16 “(iii) *may provide, through the use of*
17 *qualified personnel, legal assistance related*
18 *to income, health care, long-term care, nu-*
19 *trition, housing, utilities, protective services,*
20 *guardianship, abuse neglect, and age dis-*
21 *crimination,*

22 “(B) *the State agency will provide for the*
23 *coordination of the furnishing of legal assistance*
24 *to older individuals in the State, will provide*
25 *advice and technical assistance in the provision*

1 *of legal assistance to older individuals in the*
 2 *State, and will support the furnishing of train-*
 3 *ing and technical assistance for legal assistance*
 4 *for older individuals, and*

5 “(C) *to the extent practicable, that legal as-*
 6 *sistance furnished under the plan will be in ad-*
 7 *dition to any legal assistance for older individ-*
 8 *uals being furnished with funds from sources*
 9 *other than this Act and that reasonable efforts*
 10 *will be made to maintain existing levels of legal*
 11 *assistance for older individuals.*

12 “(10) *PREVENTION AND REMEDIATION OF ELDER*
 13 *ABUSE, NEGLECT, AND EXPLOITATION.—Subject to*
 14 *subsection (g), and if the State elects to provide for*
 15 *a fiscal year for services for the prevention and reme-*
 16 *diation of elder abuse, neglect, and exploitation, the*
 17 *plan shall contain assurances that such services will*
 18 *be provided in accordance with subtitles C and D of*
 19 *title IV.*

20 “(11) *OUTREACH.—The plan shall provide as-*
 21 *surances that the State agency will require outreach*
 22 *efforts that will—*

23 “(A) *identify individuals eligible for assist-*
 24 *ance under chapters 2 and 3, with special em-*
 25 *phasis on—*

1 “(i) older individuals residing in rural
2 areas,

3 “(ii) older individuals with greatest
4 economic need (with particular attention to
5 low-income minority older individuals) and
6 older individuals with greatest social need
7 (with particular attention to low-income
8 minority older individuals),

9 “(iii) older individuals with severe dis-
10 abilities,

11 “(iv) older individuals with limited
12 English-speaking ability, and

13 “(v) older individuals with Alzheimer’s
14 disease or related disorders with neuro-
15 logical and organic brain dysfunction (and
16 the caregivers of such individuals), and

17 “(B) inform the older individuals referred
18 to in clauses (i) through (v) of subparagraph
19 (A), and the caregivers of such individuals, of the
20 availability of such assistance.

21 “(12) OLDER INDIVIDUALS WITH DISABIL-
22 ITIES.—The plan shall provide, with respect to the
23 needs of older individuals with disabilities, assurances
24 that the State agency will coordinate planning, iden-
25 tification, assessment of needs, and services for older

1 *individuals with disabilities (with particular atten-*
 2 *tion to individuals with severe disabilities) with the*
 3 *State agencies with responsibility for individuals*
 4 *with disabilities (including severe disabilities).*

5 “(13) *COORDINATION OF COMMUNITY-BASED*
 6 *LONG-TERM CARE SERVICES.—The plan shall provide*
 7 *assurances that area agencies on aging will conduct*
 8 *efforts to facilitate the coordination of community-*
 9 *based long-term care services, pursuant to section*
 10 *305(a)(5)(G), for older individuals who—*

11 “(A) *reside at home and are at risk of insti-*
 12 *tutionalization because of limitations on their*
 13 *ability to function independently,*

14 “(B) *are patients in hospitals and are at*
 15 *risk of prolonged institutionalization, or*

16 “(C) *are patients in long-term care facili-*
 17 *ties, but who can return to their homes if com-*
 18 *munity-based services are provided to them.*

19 “(14) *PROHIBITION ON MISUSE OF FUNDS.—The*
 20 *plan shall provide assurances that funds received*
 21 *from allotments under section 302(a) will not be used*
 22 *to pay any part of a cost (including an administra-*
 23 *tive cost) incurred by the State or an area agency on*
 24 *aging to carry out a contract or commercial relation-*

1 *ship that is not related to implementation of chapter*
 2 *2 or 3.*

3 “(15) *COORDINATION OF SERVICES; PROVISION*
 4 *OF MULTIGENERATIONAL SERVICES.—The plan shall*
 5 *provide assurances that demonstrable efforts will be*
 6 *made—*

7 “(A) *to coordinate services provided under*
 8 *chapters 2 and 3 with other State services that*
 9 *benefit older individuals, and*

10 “(B) *to provide multigenerational activities,*
 11 *such as opportunities for older individuals to*
 12 *serve as mentors or advisers in programs that*
 13 *provide child care, youth day care, educational*
 14 *assistance, at-risk youth intervention, juvenile*
 15 *delinquency treatment, and family support.*

16 “(16) *QUALITY ASSURANCE.—The plan shall in-*
 17 *clude assurances that the State has in effect a mecha-*
 18 *nism to provide for quality in the provision of serv-*
 19 *ices under chapters 2 and 3.*

20 “(17) *VOLUNTARY CONTRIBUTIONS.—The plan*
 21 *shall provide, after the State consults with area agen-*
 22 *cies on aging and with service providers and provides*
 23 *an opportunity for older individuals to submit com-*
 24 *ments to the State, that recipients of services (exclud-*
 25 *ing information and assistance services, outreach,*

1 *benefits counseling, case management services, om-*
 2 *budsman services, and protective services) under State*
 3 *plans or area plans will be given an opportunity to*
 4 *voluntarily contribute to the cost of such services.*

5 “(18) *SOLICITATION OF VOLUNTARY CONTRIBU-*
 6 *TIONS.—The plan shall provide that the State will*
 7 *permit area agencies on aging to permit service pro-*
 8 *viders to solicit for services provided under the plan*
 9 *voluntary contributions that—*

10 “(A) *are based on the ability of older indi-*
 11 *viduals to make such contributions, and*

12 “(B) *will be used to increase, or expand ac-*
 13 *cess to, services provided under the plan.*

14 “(19) *USE OF VOUCHERS TO OBTAIN SERV-*
 15 *ICES.—(A) Subject to subparagraph (B), the plan*
 16 *shall identify each specific supportive service and*
 17 *each nutrition service, if any, the State agency elects*
 18 *to permit area agencies on aging to provide by*
 19 *issuing vouchers (redeemable by the State agency or*
 20 *area agency on aging) to older individuals to permit*
 21 *such individuals to obtain such service.*

22 “(B) *A State agency may make an election*
 23 *under subparagraph (A) with respect to a nutrition*
 24 *service only if the plan includes an assurance that—*

1 “(i) such service provided in exchange for
2 vouchers will provide meals that satisfy the re-
3 quirements specified in section 332(2)(A), and

4 “(ii) an area agency on aging will be per-
5 mitted by the State agency to provide such serv-
6 ice by issuing such vouchers, only if the area
7 agency on aging is unable to provide such service
8 by contract with a service provider.

9 “(20) *INFORMATION ON MEETING NEEDS.*—The
10 plan shall contain information describing how the
11 State and area agencies on aging are meeting the
12 needs that older individuals have for outreach, case
13 management services, transportation services, infor-
14 mation and assistance services, in-home services, and
15 legal assistance.

16 “(21) *INFORMATION RELATING TO RURAL*
17 *AREAS.*—The plan shall, with respect to the fiscal
18 year preceding the fiscal year for which such plan is
19 prepared, describe the methods and difficulties in pro-
20 viding services to older individuals who reside in
21 rural areas (in particular, problems regarding trans-
22 portation and the cost of providing services).

23 “(22) *SERVICES IN RURAL AREAS.*—For each fis-
24 cal year the plan shall identify, and take into consid-
25 eration for purposes of allocating funds to area agen-

1 *cies on aging, the actual and projected additional*
 2 *costs for providing services under this title, in par-*
 3 *ticular the cost of providing access to such services to*
 4 *older individuals residing in rural areas.*

5 *“(23) COORDINATION OF SERVICES TO BLIND*
 6 *OLDER INDIVIDUALS.—The plan shall provide, with*
 7 *respect to blind older individuals, that the State agen-*
 8 *cy will coordinate services provided under this Act*
 9 *with services provided under chapter 2 of title VII of*
 10 *the Rehabilitation Act of 1973.*

11 *“(b) APPROVAL OF STATE PLAN.—The Assistant Sec-*
 12 *retary shall approve any State plan that the Assistant Sec-*
 13 *retary finds fulfills the requirements of subsection (a).*

14 *“(c) DISAPPROVAL OF STATE PLAN.—(1) The Assist-*
 15 *ant Secretary shall not make a final determination dis-*
 16 *approving any State plan, or any modification thereof, or*
 17 *make a final determination that a State is ineligible under*
 18 *section 303, without first affording the State reasonable no-*
 19 *tice and opportunity for a hearing.*

20 *“(2) Not later than 30 days after such final determina-*
 21 *tion, a State dissatisfied with such final determination may*
 22 *appeal such final determination to the Secretary for review.*
 23 *If the State timely appeals such final determination in ac-*
 24 *cordance with subsection (e)(1), the Secretary shall dismiss*
 25 *the appeal filed under this paragraph.*

1 “(3)(A) *If the State is dissatisfied with the decision*
 2 *of the Secretary after review under paragraph (2), the State*
 3 *may appeal such decision not later than 30 days after such*
 4 *decision and in the manner described in subsection (e).*

5 “(B) *For purposes of appellate review under subpara-*
 6 *graph (A), a reference in subsection (e) to the Assistant Sec-*
 7 *retary shall be deemed to be a reference to the Secretary.*

8 “(d) *NOTIFICATION OF STATE.—(1) Whenever the As-*
 9 *stant Secretary, after providing reasonable notice and op-*
 10 *portunity for a hearing to the State agency, finds that—*

11 “(A) *the State is not eligible under section 303,*

12 “(B) *the State plan has been so changed that it*
 13 *no longer complies substantially with subsection (a),*
 14 *or*

15 “(C) *in the administration of the plan there is*
 16 *a failure to comply substantially with any provision*
 17 *of subsection (a),*

18 *the Assistant Secretary shall notify the State agency that*
 19 *no further payments from its allotments under section*
 20 *302(a) will be made to the State (or, in the Assistant Sec-*
 21 *retary’s discretion, that further payments to the State will*
 22 *be limited to projects under or portions of the State plan*
 23 *not affected by such failure), until the Assistant Secretary*
 24 *is satisfied that there will no longer be any failure to com-*
 25 *ply. Until the Assistant Secretary is so satisfied, no further*

1 *payments shall be made to the State from its allotments*
2 *under section 302(a) (or payments shall be limited to*
3 *projects under or portions of the State plan not affected by*
4 *such failure).*

5 “(2)(A) *The Assistant Secretary shall, in accordance*
6 *with rules the Secretary shall issue, disburse the funds so*
7 *withheld directly to any public or nonprofit private organi-*
8 *zation or agency or political subdivision of the State sub-*
9 *mitting an approved plan in accordance with the provi-*
10 *sions of this section.*

11 “(B) *The limitation specified in section 302(a)(3) shall*
12 *apply with respect to the use of such funds by the organiza-*
13 *tion, agency, or political subdivision that receives such*
14 *funds.*

15 “(e) *APPEAL.—(1) A State that is dissatisfied with a*
16 *final action of the Assistant Secretary under subsection (b),*
17 *(c), or (d) may appeal to the United States court of appeals*
18 *for the circuit in which the State is located, by filing a*
19 *petition with such court within 30 days after such final*
20 *action. A copy of the petition shall be forthwith transmitted*
21 *by the clerk of the court to the Assistant Secretary, or any*
22 *officer designated by the Assistant Secretary for such pur-*
23 *pose. The Assistant Secretary thereupon shall file in the*
24 *court the record of the proceedings on which the Assistant*

1 *Secretary's action is based, as provided in section 2112 of*
2 *title 28, United States Code.*

3 “(2) *Upon the filing of such petition, the court shall*
4 *have jurisdiction to affirm the action of the Assistant Sec-*
5 *retary or to set it aside, in whole or in part, temporarily*
6 *or permanently, but until the filing of the record, the Assist-*
7 *ant Secretary may modify or set aside the Assistant Sec-*
8 *retary's order. The findings of the Assistant Secretary as*
9 *to the facts, if supported by substantial evidence, shall be*
10 *conclusive, but the court, for good cause shown may remand*
11 *the case to the Assistant Secretary to take further evidence,*
12 *and the Assistant Secretary shall, within 30 days, file in*
13 *the court the record of those further proceedings. Such new*
14 *or modified findings of fact shall likewise be conclusive if*
15 *supported by substantial evidence. The judgment of the*
16 *court affirming or setting aside, in whole or in part, any*
17 *action of the Assistant Secretary shall be final, subject to*
18 *review by the Supreme Court of the United States upon*
19 *certiorari or certification as provided in section 1254 of*
20 *title 28, United States Code.*

21 “(3) *The commencement of proceedings under this sub-*
22 *section shall not, unless so specifically ordered by the court,*
23 *operate as a stay of the Assistant Secretary's action.*

24 “(f) *PRESERVATION OF ATTORNEY-CLIENT PRIVI-*
25 *LEGE.—Neither a State, nor a State agency, may require*

1 *any provider of legal assistance under this chapter to reveal*
 2 *any information that is protected by the attorney-client*
 3 *privilege.*

4 “(g) *LIMITATION ON EXPENDITURES.*—

5 “(1) *LIMITATION.*—*Not more than 15 percent of*
 6 *the allotment made under section 302(a) for a fiscal*
 7 *year and remaining after the application of sub-*
 8 *section (c)(1), may be used to carry out the State*
 9 *long-term care ombudsman program described in sub-*
 10 *section (a)(8) and legal assistance described in sub-*
 11 *section (a)(9), and to provide services for the preven-*
 12 *tion of elder abuse, neglect, and exploitation described*
 13 *in subsection (a)(10).*

14 “(2) *WAIVER.*—*If the State demonstrates to the*
 15 *satisfaction of the Assistant Secretary that the*
 16 *amount available as a result of the application of*
 17 *such paragraph is insufficient to satisfy the need for*
 18 *services under the State long-term care ombudsman*
 19 *program described in subsection (a)(8), the need for*
 20 *legal assistance described in subsection (a)(9), and the*
 21 *need for services to the prevent elder abuse, neglect,*
 22 *and exploitation described in subsection (a)(10), then*
 23 *the Assistant Secretary may grant a waiver that per-*
 24 *mits the State to use an additional 5 percent of such*
 25 *allotment to satisfy such need.*

1 **“SEC. 305. AREA PLANS.**

2 “(a) *PLAN.*—Each area agency on aging designated
3 under section 303(a)(2)(A) shall, in order to be approved
4 by the State agency, prepare and develop an area plan for
5 a planning and service area for a 2-, 3-, or 4-year period
6 determined by the State agency, with such annual adjust-
7 ments as may be necessary. Each such plan shall be based
8 upon a uniform format for area plans within the State.
9 Each such plan shall comply with all of the following re-
10 quirements:

11 “(1) *SCOPE OF PLAN.*—The plan shall provide,
12 through a comprehensive and coordinated system,
13 for—

14 “(A) supportive services, nutrition services
15 (including in-home meals and congregate nutri-
16 tion services), and, where appropriate, for the es-
17 tablishment or maintenance of multipurpose sen-
18 ior centers, within the planning and service area
19 covered by the plan,

20 “(B) determining the extent of need for sup-
21 portive services, nutrition services (taking into
22 consideration the comparative need for home-de-
23 livered nutrition services and congregate nutri-
24 tion services), and multipurpose senior centers in
25 such area (taking into consideration, among
26 other things, the number of older individuals

1 *with low incomes residing in such area (with*
2 *particular attention to low-income minority*
3 *older individuals and to older individuals resid-*
4 *ing in rural areas), the number of older individ-*
5 *uals who have greatest economic need residing in*
6 *such area, the number of older individuals who*
7 *have greatest social need residing in such area,*
8 *the number of older individuals residing on res-*
9 *ervations in such area, the number of older indi-*
10 *viduals who are Indians residing in such area,*
11 *and the efforts of voluntary organizations in the*
12 *community),*

13 *“(C) evaluating the effectiveness of the use*
14 *of resources in meeting such need, and*

15 *“(D) entering into agreements with pro-*
16 *viders of supportive services, nutrition services,*
17 *or multipurpose senior centers in such area, for*
18 *the provision of such services or centers to meet*
19 *such need.*

20 *“(2) PROMOTION OF INDEPENDENT LIVING.—The*
21 *plan shall promote independent living through the*
22 *provision of home- and community-based care, ad-*
23 *dress the nutrition and health-promotion needs of*
24 *older individuals, provide advocacy for and protect*
25 *the rights of vulnerable older individuals in both com-*

1 *munity-based and institutional settings, specify ef-*
 2 *forts to be undertaken to ensure the quality of sup-*
 3 *portive services and nutrition services provided in*
 4 *such settings, enhance access to services provided*
 5 *under the plan, and encourage community participa-*
 6 *tion in carrying out the plan.*

7 “(3) *INFORMATION AND ASSISTANCE SERVICES.—*
 8 *The plan shall provide for the establishment and*
 9 *maintenance of information and assistance services to*
 10 *ensure that older individuals within the planning*
 11 *and service area covered by the plan will have reason-*
 12 *ably convenient access to such services, with par-*
 13 *ticular emphasis on linking services available to iso-*
 14 *lated older individuals and older individuals with*
 15 *Alzheimer’s disease or related disorders with neuro-*
 16 *logical and organic brain dysfunction (and the care-*
 17 *givers of individuals with such disease or disorders).*

18 “(4) *SPECIFIC OBJECTIVES; OUTREACH.—(A)*
 19 *The plan shall contain assurances that the area agen-*
 20 *cy on aging will set specific objectives for providing*
 21 *services to older individuals with greatest economic*
 22 *need (with particular attention to low-income minor-*
 23 *ity older individuals), older individuals with greatest*
 24 *social need (with particular attention to low-income*

1 *minority older individuals), and to older individuals*
2 *residing in rural areas.*

3 “(B) *The plan shall contain assurances that the*
4 *area agency on aging will use outreach efforts that*
5 *will—*

6 “(i) *identify individuals eligible for assist-*
7 *ance under chapters 2 and 3, with special em-*
8 *phasis on—*

9 “(I) *older individuals residing in rural*
10 *areas,*

11 “(II) *older individuals with greatest*
12 *economic need (with particular attention to*
13 *low-income minority older individuals) and*
14 *older individuals with greatest social need*
15 *(with particular attention to low-income*
16 *minority older individuals),*

17 “(III) *older individuals with severe*
18 *disabilities,*

19 “(IV) *older individuals with limited*
20 *English-speaking ability, and*

21 “(V) *older individuals with Alzheimer’s*
22 *disease or related disorders with neuro-*
23 *logical and organic brain dysfunction (and*
24 *the caregivers of such individuals), and*

1 “(ii) inform the older individuals referred
2 to in subclauses (I) through (V) of clause (i), and
3 the caregivers of such individuals, of the avail-
4 ability of such assistance.

5 “(5) *TECHNICAL ASSISTANCE AND INFORMATION;*
6 *ADVOCACY; ADVISORY COUNCIL.*—The plan shall pro-
7 vide that the area agency on aging will—

8 “(A) furnish appropriate technical assist-
9 ance, and information in a timely manner, to
10 providers of supportive services, nutrition serv-
11 ices, or multipurpose senior centers in the plan-
12 ning and service area covered by the area plan,

13 “(B) take into account in connection with
14 matters of general policy arising in the develop-
15 ment and administration of the area plan, the
16 views of recipients of services under such plan,

17 “(C) serve as the advocate and focal point
18 for older individuals within the community by
19 (in cooperation with agencies, organizations, and
20 individuals participating in activities under the
21 plan) monitoring, evaluating, and commenting
22 on all policies, programs, hearings, levies, and
23 community actions that will affect older individ-
24 uals,

1 “(D) establish an advisory council con-
2 sisting of older individuals who are participants
3 or who are eligible to participate in programs
4 assisted under this title, representatives of older
5 individuals, local elected officials, providers of
6 veterans’ health care (if appropriate), and the
7 general public, to advise continuously the area
8 agency on aging on all matters relating to the
9 development of the area plan, the administration
10 of the plan and operations conducted under the
11 plan,

12 “(E) facilitate the coordination of commu-
13 nity-based, long-term care services designed to
14 retain individuals in their homes, thereby defer-
15 ring unnecessary, costly institutionalization, and
16 designed to include the development of case man-
17 agement services as a component of the long-term
18 care services,

19 “(F) facilitate the involvement of long-term
20 care providers in the coordination of commu-
21 nity-based long-term care services and work to
22 ensure community awareness of and involvement
23 in addressing the needs of residents of long-term
24 care facilities,

1 “(G) coordinate services and activities car-
2 ried out under the area plan with—

3 “(i) activities of community-based or-
4 ganizations established for the benefit of
5 older individuals with Alzheimer’s disease
6 or related disorders with neurological and
7 organic brain dysfunction (and the families
8 of such individuals), and

9 “(ii) the mental health services pro-
10 vided by community health centers and by
11 other public agencies and nonprofit private
12 organizations, and

13 “(H) establish a grievance procedure for
14 older individuals who are dissatisfied with or de-
15 nied services under chapters 2 and 3.

16 “(6) VOLUNTEERS.—The plan shall encourage,
17 and enlist the services of, local volunteer groups to
18 provide assistance and services appropriate to the
19 unique needs of older individuals within the planning
20 and service area, including coordination with pro-
21 grams carried out under parts A and C of title II of
22 the Domestic Volunteer Service Act of 1973 (42
23 U.S.C. 5000 et seq.).

24 “(7) PREVENTION AND REMEDIATION OF THE
25 ABUSE, NEGLECT, OR EXPLOITATION OF OLDER INDIV-

1 VIDUALS.—If the area agency on aging elects to pro-
2 vide a program to prevent and to remediate the abuse,
3 neglect, or exploitation of older individuals or is re-
4 quired by the State agency to carry out such pro-
5 gram, the plan shall—

6 “(A) contain an assurance that the area
7 agency on aging will conduct such program con-
8 sistent with the provisions of this subtitle,

9 “(B) contain an assurance that the area
10 agency on aging will provide public education
11 and outreach to identify and prevent abuse, ne-
12 glect, and exploitation of older individuals,

13 “(C) contain an assurance that the area
14 agency on aging—

15 “(i) will establish procedures for re-
16 ceipt of reports of abuse, neglect, and exploi-
17 tation of older individuals, and

18 “(ii) upon receipt of a report of known
19 or suspected instances of elder abuse, ne-
20 glect, or exploitation, shall promptly refer
21 the reported matter to the proper authorities
22 for investigation and action consistent with
23 State law, and

24 “(D) specify such other activities that the
25 area agency determines to be beneficial in the

1 *prevention of abuse, neglect, or exploitation of*
2 *older individuals and intends to carry out under*
3 *such program.*

4 “(8) *DESCRIPTION OF ACTIVITIES.*—*The plan*
5 *shall—*

6 “(A) *describe all activities of the area agen-*
7 *cy on aging for which financial assistance is*
8 *provided to carry out chapters 2 and 3, and*

9 “(B) *contain an assurance that such activi-*
10 *ties conform with—*

11 “(i) *the responsibilities of the area*
12 *agency on aging, as set forth in this sub-*
13 *section, and*

14 “(ii) *the laws, rules, and policies of the*
15 *State in which the area agency on aging is*
16 *carrying out an area plan.*

17 “(9) *DISCLOSURE OF SOURCES AND EXPENDI-*
18 *TURES OF FUNDS.*—*The plan shall contain an assur-*
19 *ance that the area agency on aging will, on the re-*
20 *quest of the State and for the purpose of monitoring*
21 *compliance with this subtitle (including conducting*
22 *an audit), disclose all sources and expenditures of*
23 *funds such agency receives or expends to provide serv-*
24 *ices to older individuals.*

1 “(10) *PROHIBITION ON MISUSE OF FUNDS.*—*The*
2 *plan shall contain assurances that funds received*
3 *from allotments under section 302(a) will not be used*
4 *to pay any part of a cost (including an administra-*
5 *tive cost) incurred by the area agency on aging to*
6 *carry out a contract or commercial relationship that*
7 *is not carried out to implement chapters 2 and 3.*

8 “(11) *PROHIBITION OF PREFERENCE.*—*The plan*
9 *shall contain assurances that preference in receiving*
10 *services under chapters 2 and 3 will not be given by*
11 *the area agency on aging to particular older individ-*
12 *uals as a result of a contract or commercial relation-*
13 *ship that is not carried out to implement such chap-*
14 *ters.*

15 “(12) *CASE MANAGEMENT SERVICES.*—*The plan*
16 *shall provide that case management services provided*
17 *under this chapter through the area agency on aging*
18 *will—*

19 “(A) *not duplicate case management serv-*
20 *ices provided through other Federal and State*
21 *programs,*

22 “(B) *be coordinated with services described*
23 *in subparagraph (A),*

24 “(C) *include provision, to consumers, of a*
25 *list of available service providers for appropriate*

1 *care in the planning and service area served by*
2 *such agency,*

3 “(D) *be provided in a manner that—*

4 “(i) *gives each older individual who re-*
5 *quests services under this title a statement*
6 *specifying that such individual has the*
7 *right to make an independent choice of serv-*
8 *ice providers, and*

9 “(ii) *documents receipt by such indi-*
10 *vidual of such statement, and*

11 “(E) *be provided by—*

12 “(i) *a public agency,*

13 “(ii) *a nonprofit private agency, or*

14 “(iii) *directly by the area agency on*
15 *aging only if the area agency on aging is—*

16 “(I) *engaged in providing under a*
17 *State program services substantially*
18 *similar to case management services,*
19 *or*

20 “(II) *designated by the State*
21 *agency to provide case management*
22 *services directly.*

23 “(13) *VOLUNTARY CONTRIBUTIONS.—The plan*
24 *shall contain assurances consistent with the State*

1 *plan provisions that satisfy the requirement specified*
2 *in section 304(a)(17), that service providers will—*

3 “(A) be required—

4 “(i) to provide to all older individuals
5 *an opportunity to voluntarily contribute to*
6 *the cost of services they receive under this*
7 *subtitle from such providers,*

8 “(ii) to protect the privacy of older in-
9 *dividuals with respect to voluntary con-*
10 *tributions described in subparagraph (A),*

11 “(iii) to establish appropriate proce-
12 *dures to safeguard and account for all such*
13 *contributions, and*

14 “(iv) to use such contributions attrib-
15 *utable to supportive services or nutrition*
16 *services to increase supportive services or*
17 *nutrition services, respectively,*

18 “(B) be permitted—

19 “(i) to develop a suggested voluntary
20 *contribution schedule based on income cat-*
21 *egories of service recipients, taking into con-*
22 *sideration the income ranges of older indi-*
23 *viduals in the community, and*

24 “(ii) to furnish written information to
25 *each recipient about the extent of supportive*

1 *services and nutrition services provided to*
2 *such recipient and the actual cost of such*
3 *services, and*

4 “(C) *not be permitted—*

5 “(i) *to use a means test for the purpose*
6 *of selecting older individuals to receive such*
7 *services, or*

8 “(ii) *to refuse to provide a service to*
9 *an older individual because such individual*
10 *will not or cannot contribute to the cost of*
11 *such service.*

12 “(14) *OLDER INDIVIDUALS WITH DISABIL-*
13 *ITIES.—The plan shall provide, with respect to the*
14 *needs of older individuals with disabilities, assurances*
15 *that the area agency on aging will coordinate plan-*
16 *ning, identification, assessment of needs, and services*
17 *for older individuals with disabilities (with par-*
18 *ticular attention to individuals with severe disabil-*
19 *ities) with the State agency.*

20 “(15) *TELEPHONE LISTING.—The plan shall con-*
21 *tain an assurance that the area agency on aging will*
22 *list the telephone number of such agency in each tele-*
23 *phone directory that is published, by the provider of*
24 *local telephone service, for residents in any geo-*

1 *graphical area that lies in whole or in part in the*
 2 *service and planning area served by such agency—*

3 *“(A) under the name ‘Area Agency on*
 4 *Aging’,*

5 *“(B) in the unclassified section of the direc-*
 6 *tory, and*

7 *“(C) to the extent possible, in the classified*
 8 *section of the directory, under a subject heading*
 9 *designated by the Assistant Secretary by regula-*
 10 *tion.*

11 *“(b) PRESERVATION OF ATTORNEY-CLIENT PRIVI-*
 12 *LEGE.—An area agency on aging may not require any pro-*
 13 *vider of legal assistance under this chapter to reveal any*
 14 *information that is protected by the attorney-client privi-*
 15 *lege.*

16 *“(c) STATE AUTHORITY TO WITHHOLD FUNDS.—(1)*
 17 *If the head of a State agency finds that an area agency*
 18 *on aging has failed to comply with Federal or State laws,*
 19 *including the area plan requirements of this section, rules,*
 20 *or policies, the State may withhold from the area agency*
 21 *on aging a portion of the funds available under the allot-*
 22 *ment made under section 302(a).*

23 *“(2)(A) The head of a State agency shall not make a*
 24 *final determination withholding funds under paragraph (1)*
 25 *without first affording the area agency on aging due process*

1 *in accordance with procedures established by the State*
 2 *agency.*

3 “(B) *At a minimum, such procedures shall include*
 4 *procedures for—*

5 “(i) *providing notice of an action to withhold*
 6 *funds,*

7 “(ii) *providing documentation of the need for*
 8 *such action, and*

9 “(iii) *at the request of the area agency on aging,*
 10 *conducting a public hearing concerning such action.*

11 “(3)(A) *If a State agency withholds the funds under*
 12 *paragraphs (1) and (2), the State agency may use the funds*
 13 *withheld to directly administer programs under chapters 2*
 14 *and 3 in the planning and service area served by the area*
 15 *agency on aging for a period not to exceed 180 days, except*
 16 *as provided in subparagraph (B).*

17 “(B) *If the State agency determines that the area agen-*
 18 *cy on aging has not taken corrective action, or if the State*
 19 *agency does not approve the corrective action, during the*
 20 *180-day period described in subparagraph (A), the State*
 21 *agency may extend the period for not more than 90 days.*

22 **“SEC. 306. PLANNING, COORDINATION, EVALUATION, AND**
 23 **ADMINISTRATION OF STATE PLANS.**

24 “(a) *GRANTS FOR STATE ACTIVITIES.—(1) Amounts*
 25 *available to States under section 302(e)(1) may be used to*

1 *make grants to States to pay such percentage as each State*
2 *agency determines, but not more than 75 percent, of the*
3 *cost of the administration of its State plan, including—*

4 “(A) *the preparation of the State plan,*

5 “(B) *the evaluation of activities carried out*
6 *under such plan,*

7 “(C) *the collection of data and the carrying out*
8 *of analyses related to the need for supportive services,*
9 *nutrition services (taking into consideration the com-*
10 *parative need for home-delivered nutrition services*
11 *and for congregate nutrition services), multipurpose*
12 *senior centers, and community service employment*
13 *within the State, and dissemination of information so*
14 *obtained,*

15 “(D) *the provision of short-term training to per-*
16 *sonnel of public or nonprofit private agencies and or-*
17 *ganizations engaged in the operation of programs,*
18 *projects, and activities authorized by chapters 2 and*
19 *3, and*

20 “(E) *and the carrying out of demonstration*
21 *projects of statewide significance relating to the initi-*
22 *ation, expansion, or improvement of services and ac-*
23 *tivities provided under chapters 2 and 3.*

24 “(2) *Any funds available to a State under subsection*
25 *(b) for part of the cost of the administration of its State*

1 *plan that the State determines is not needed for such pur-*
 2 *pose may be used by the State to supplement the amount*
 3 *available under section 302(e)(3)(A) to cover part of the cost*
 4 *of the administration of area plans.*

5 “(3) *The portion of the allotment made available under*
 6 *section 302(e)(1) to a State for any fiscal year, that the*
 7 *State determines will not be required by the State for such*
 8 *year for the purposes described in paragraph (1) shall be*
 9 *available to the State to provide services under chapter 2,*
 10 *chapter 3, or both, in the State.*

11 “(4) *Any State that is designated under section*
 12 *303(a)(1)(E) a single planning and service area covering*
 13 *all, or substantially all, of the older individuals in the*
 14 *State, as determined by the Assistant Secretary, may elect*
 15 *to pay part of the costs of the administration of State and*
 16 *area plans either out of the amount of funds received under*
 17 *this section or out of the amount of funds made available*
 18 *for the administration of area plans under section*
 19 *302(e)(3)(A), but shall not pay such costs out of both such*
 20 *amounts.*

21 “(b) *AUTHORITY TO TRANSFER FUNDS.—(1)(A) Not-*
 22 *withstanding any other provision of this subtitle and except*
 23 *as provided in subparagraph (B), of the funds received by*
 24 *a State attributable to funds appropriated under sub-*
 25 *sections (a) and (b) of section 391, the State (after consulta-*

1 tion with area agencies on aging and with service pro-
2 viders) may elect to transfer not more than 20 percent for
3 any fiscal year between programs under chapter 2 and pro-
4 grams under chapter 3 for use as the State considers appro-
5 priate. The State shall notify the Assistant Secretary of any
6 such election.

7 “(B)(i) If a State demonstrates in an application, to
8 the satisfaction of the Assistant Secretary, that funds re-
9 ceived by the State and attributable to funds appropriated
10 under subsections (a) and (b) of section 391, (including
11 funds transferred under subparagraph (A) without regard
12 to this subparagraph) for any fiscal year are insufficient
13 to satisfy the need for services under chapter 2 or 3, then
14 the Assistant Secretary may grant a waiver that permits
15 the State to transfer under subparagraph (A) to satisfy such
16 need an additional 25 percent of the funds so received for
17 such fiscal year.

18 “(ii) At a minimum, the application described in
19 clause (i) shall include a description of the amount to be
20 transferred, the purposes of the transfer, the need for the
21 transfer, and the impact of the transfer on the provision
22 of services from which the funding will be transferred. The
23 Assistant Secretary shall approve or deny the application
24 in writing.

1 “(C) Notwithstanding any other provision of this sub-
2 title, with respect to funds received by a State and attrib-
3 utable to funds appropriated under paragraph (1) or (2)
4 of section 391(b), the State may elect in its plan under sec-
5 tion 304 regarding chapter 3, to transfer not more than
6 50 percent of the funds so received between part I and part
7 II of such chapter, for use as the State considers appro-
8 priate to meet the needs of the area served.

9 “(2) After consultation with service providers, a State
10 agency may delegate to an area agency on aging or any
11 other entity the authority to make a transfer under para-
12 graph (1).

13 “(3) The Assistant Secretary shall annually collect,
14 and include in the report required by section 117, data re-
15 garding the transfers described in paragraph (1),
16 including—

17 “(A) the amount of funds involved in the trans-
18 fers, analyzed by State, and

19 “(B) in the case of transfers described in para-
20 graph (1), the effect of the transfers on the provision
21 of services provided under—

22 “(i) chapter 2, and

23 “(ii) chapter 3, including the effect on the
24 number of meals served.

1 **“SEC. 307. PAYMENTS.**

2 *“Payments of grants, or under contracts, made under*
 3 *chapters 2 and 3 may be made (after necessary adjustments*
 4 *resulting from previously made overpayments or underpay-*
 5 *ments) in advance or by way of reimbursement, and in such*
 6 *installments, as the Assistant Secretary may determine.*

7 **“CHAPTER 2—SUPPORTIVE SERVICES AND**
 8 **MULTIPURPOSE SENIOR CENTERS**

9 **“SEC. 321. PROGRAM AUTHORIZED.**

10 *“The Assistant Secretary shall carry out a program*
 11 *for making grants to States under State plans approved*
 12 *under section 304 for any of the following supportive serv-*
 13 *ices that are necessary for the general welfare of older indi-*
 14 *viduals:*

15 *“(1) Health (including mental health), education*
 16 *and training, welfare, informational, recreational,*
 17 *homemaker, counseling, or referral services.*

18 *“(2) Services designed to encourage and assist*
 19 *older individuals to use the facilities and services (in-*
 20 *cluding information and assistance services) available*
 21 *to them, including language translation services to as-*
 22 *sist older individuals with limited-English speaking*
 23 *ability to obtain services under this chapter.*

24 *“(3) Services designed—*

25 *“(A) to assist older individuals to obtain*
 26 *adequate housing, including residential repair*

1 *and renovation projects designed to enable older*
2 *individuals to maintain their homes in con-*
3 *formity with minimum housing standards,*

4 *“(B) to adapt homes to meet the needs of*
5 *older individuals with disabilities,*

6 *“(C) to prevent unlawful entry into resi-*
7 *dences of older individuals, through the installa-*
8 *tion of security devices and through structural*
9 *modifications or alterations of such residences, or*

10 *“(D) to receive applications from older in-*
11 *dividuals for housing under section 202 of the*
12 *Housing Act of 1959 (12 U.S.C. 1701Q) or*
13 *under any federally assisted housing program*
14 *designed to assist older individuals.*

15 *“(4) Services designed to assist older individuals*
16 *to avoid institutionalization, and services designed to*
17 *assist individuals in long-term care institutions who*
18 *are able to return to their communities, including—*

19 *“(A) client assessment services, and develop-*
20 *ment and coordination of community-based serv-*
21 *ices,*

22 *“(B) in-home services for frail older indi-*
23 *viduals, including services for older individuals*
24 *with Alzheimer’s disease and related disorders*

1 *with neurological and organic brain dysfunction*
2 *(and for families of such individuals),*

3 “(C) *supportive activities to meet the spe-*
4 *cial needs of caretakers, including caretakers who*
5 *provide in-home services to frail older individ-*
6 *uals, and*

7 “(D) *in-home and other community-based*
8 *services to assist older individuals to live inde-*
9 *pendently in a home environment, including*
10 *home health, homemaker, shopping, escort, read-*
11 *er, and letter-writing services.*

12 “(5) *Services designed to provide to older indi-*
13 *viduals information and counseling relating to mak-*
14 *ing choices offered under titles XVIII and XIX of the*
15 *Social Security Act (relating to Medicare and Med-*
16 *icaid), and other health care plans.*

17 “(6) *Services designed to provide to older indi-*
18 *viduals legal assistance and other counseling services*
19 *and assistance, including—*

20 “(A) *tax counseling and assistance, finan-*
21 *cial counseling, and counseling regarding appro-*
22 *priate health and life insurance coverage,*

23 “(B) *representation—*

24 “(i) *of individuals who are wards (or*
25 *are allegedly incapacitated), and*

1 “(ii) in guardianship proceedings of
2 older individuals who seek to become guard-
3 ians, if other adequate representation is un-
4 available in the proceedings, and

5 “(C) provision, to older individuals who
6 provide uncompensated care to their adult chil-
7 dren with disabilities, of counseling to assist
8 such older individuals with permanency plan-
9 ning for such children.

10 “(7) Services designed to enable older individuals
11 to attain and maintain physical and mental well-
12 being through programs of regular physical activity.

13 “(8) Activities designed to promote disease pre-
14 vention and health promotion.

15 “(9) Services designed to provide, for older indi-
16 viduals, preretirement counseling and assistance in
17 planning for and assessing future post-retirement
18 needs with regard to public and private insurance,
19 public benefits, lifestyle changes, relocation, legal mat-
20 ters, leisure time, and other appropriate matters.

21 “(10) Services of an ombudsman to receive, in-
22 vestigate, and act on complaints by older individuals
23 who are residents of long-term care facilities and to
24 advocate for the well-being of such individuals.

1 “(11) *Services that are designed to meet the*
2 *unique needs of older individuals who are disabled,*
3 *and of older individuals who provide uncompensated*
4 *care to their adult children with disabilities.*

5 “(12) *Services to encourage the employment of*
6 *older individuals, including job and second career*
7 *counseling and, where appropriate, job development,*
8 *referral, and placement.*

9 “(13) *Services for the prevention of abuse, ne-*
10 *glect, or exploitation of older individuals.*

11 “(14) *Crime prevention services and victim as-*
12 *sistance programs for older individuals.*

13 “(15) *Health and nutrition education services,*
14 *including information concerning prevention, diag-*
15 *nosis, treatment, and rehabilitation of age-related dis-*
16 *eases and chronic disabling conditions.*

17 “(16) *Services designed to enable mentally im-*
18 *paired older individuals to attain and maintain emo-*
19 *tional well-being and independent living through a*
20 *coordinated system of supportive services.*

21 “(17) *Services designed to provide information*
22 *and training for individuals who are or may become*
23 *guardians or representative payees of older individ-*
24 *uals, including information on the powers and duties*

1 *of guardians and representative payees and on alter-*
 2 *natives to guardianships.*

3 “(18) *Services to encourage and facilitate reg-*
 4 *ular interaction between school-age children and older*
 5 *individuals, including visits in long-term care facili-*
 6 *ties, multipurpose senior centers, and other settings.*

7 “(19) *Services to assist in the operation of multi-*
 8 *purpose senior centers.*

9 “(20) *Services that provide reasonable opportu-*
 10 *nities for older individuals to participate on a vol-*
 11 *untary basis in multigenerational activities.*

12 “(21) *Transportation services to facilitate access*
 13 *to the services authorized by this subsection to be pro-*
 14 *vided.*

15 “(22) *Any other services.*

16 **“CHAPTER 3—NUTRITION SERVICES**

17 **“PART I—CONGREGATE NUTRITION SERVICES**

18 **“SEC. 331. PROGRAM AUTHORIZED.**

19 *“The Assistant Secretary shall carry out a program*
 20 *for making grants to States under State plans approved*
 21 *under section 304 for the establishment and operation of*
 22 *nutrition projects—*

23 *“(1) which, 5 or more days a week (except in a*
 24 *rural area where such frequency is not feasible (as de-*
 25 *finied by the Assistant Secretary by regulation) and a*

1 *lesser frequency is approved by the State agency),*
 2 *provide at least one hot or other appropriate meal per*
 3 *day and any additional meals which the recipient of*
 4 *a grant or contract under this subpart may elect to*
 5 *provide,*

6 *“(2) which shall be provided in congregate set-*
 7 *tings (including adult day care settings), and*

8 *“(3) which may include nutrition education*
 9 *services and other appropriate nutrition services for*
 10 *older individuals.*

11 **“PART II—HOME DELIVERED NUTRITION**

12 **SERVICES**

13 **“SEC. 334. PROGRAM AUTHORIZED.**

14 *“The Assistant Secretary shall carry out a program*
 15 *for making grants to States under State plans approved*
 16 *under section 304 for the establishment and operation of*
 17 *nutrition projects for older individuals which, 5 or more*
 18 *days a week (except in a rural area where such frequency*
 19 *is not feasible (as defined by the Assistant Secretary by reg-*
 20 *ulation) and a lesser frequency is approved by the State*
 21 *agency), provide at least one home delivered hot, cold, fro-*
 22 *zen, dried, canned, or supplemental foods (with a satisfac-*
 23 *tory storage life) meal per day and any additional meals*
 24 *which the recipient of a grant or contract under this sub-*
 25 *part may elect to provide.*

1 **“PART III—ADDITIONAL REQUIREMENTS**

2 **“SEC. 337. NUTRITION.**

3 *“A State that establishes and operates a nutrition*
4 *project under this chapter shall—*

5 *“(1) solicit the advice of a dietitian or indi-*
6 *vidual with comparable expertise in the planning of*
7 *nutritional services, and*

8 *“(2) ensure that the project—*

9 *“(A) provides meals that—*

10 *“(i) comply with the Dietary Guide-*
11 *lines for Americans, published by the Sec-*
12 *retary and the Secretary of Agriculture,*

13 *“(ii) provide to each participating*
14 *older individual—*

15 *“(I) a minimum of 33¹/₃ percent*
16 *of the daily recommended dietary al-*
17 *lowances as established by the Food*
18 *and Nutrition Board of the Institute of*
19 *Medicine of the National Academy of*
20 *Sciences, if the project provides 1 meal*
21 *per day,*

22 *“(II) a minimum of 66²/₃ percent*
23 *of the allowances if the project provides*
24 *2 meals per day, and*

1 “(III) 100 percent of the allow-
2 ances if the project provides 3 meals
3 per day, and

4 “(iii) to the maximum extent prac-
5 ticable, are adjusted to meet any special di-
6 etary needs of program participants,

7 “(B) provides flexibility to local nutrition
8 providers in designing meals that are appealing
9 to program participants,

10 “(C) encourages providers to enter into con-
11 tracts that limit the amount of time meals must
12 spend in transit before they are consumed,

13 “(D) where feasible, encourages arrange-
14 ments with schools and other facilities serving
15 meals to children in order to promote
16 intergenerational meal programs,

17 “(E) provides that meals, other than in-
18 home meals, are provided in settings in as close
19 proximity to the majority of eligible older indi-
20 viduals’ residences as feasible,

21 “(F) ensures that meal providers carry out
22 such project with the advice of dietitians (or in-
23 dividuals with comparable expertise), meal par-
24 ticipants, and other individuals’ knowledgeable
25 with regard to the needs of older individuals,

1 “(G) ensures that each participating area
 2 agency on aging establishes procedures that allow
 3 nutrition project administrators the option to
 4 offer a meal, on the same basis as meals provided
 5 to participating older individuals, to individuals
 6 providing volunteer services during the meal
 7 hours, and to individuals with disabilities who
 8 reside at home with and accompany older indi-
 9 viduals eligible under this chapter,

10 “(H) ensures that nutrition services will be
 11 available to older individuals and to their
 12 spouses, and may be made available to individ-
 13 uals with disabilities who are not older individ-
 14 uals but who reside in housing facilities occupied
 15 primarily by older individuals at which con-
 16 gregate nutrition services are provided, and

17 “(I) provide for nutrition screening and,
 18 where appropriate, for nutrition education and
 19 counseling.

20 **“CHAPTER 4—DISASTER RELIEF** 21 **REIMBURSEMENTS**

22 **“SEC. 341. DISASTER RELIEF REIMBURSEMENTS.**

23 “(a)(1) The Assistant Secretary may provide reim-
 24 bursements to any State (or tribal organization that re-
 25 ceives a grant under title II), upon application for such

1 reimbursement, for funds such State (or such tribal organi-
2 zation) makes available to area agencies on aging in such
3 State for the delivery of supportive services (and related
4 supplies) during any major disaster declared by the Presi-
5 dent in accordance with the Robert T. Stafford Relief and
6 Emergency Assistance Act.

7 “(2) Total payments to all States (and tribal organiza-
8 tions) under paragraph (1) in any fiscal year shall not ex-
9 ceed .05 percent of the total amount appropriated and
10 available to carry out title III.

11 “(3) If the Assistant Secretary decides, in the 5-day
12 period beginning on the date such disaster is declared by
13 the President, to provide an amount of reimbursement
14 under paragraph (1) to a State (or tribal organization),
15 then the Assistant Secretary shall provide not less than 75
16 percent of such amount to such State (or tribal organiza-
17 tion) not later than 5 days after the date of such decision.

18 “(b)(1) At the beginning of each fiscal year the Assist-
19 ant Secretary shall set aside, for payment to States (and
20 tribal organizations) under subsection (a), an amount equal
21 to .05 percent of the total amount appropriated and avail-
22 able to carry out title III.

23 “(2) Amounts set aside under paragraph (1) which are
24 not obligated by the end of the third quarter of any fiscal
25 year shall be made available to carry out title III.

1 “(c) *Nothing in this section shall be construed to pro-*
 2 *hibit expenditures by States (or tribal organizations) for*
 3 *disaster relief for older individuals in excess of amounts re-*
 4 *imbursable under this section, by using funds made avail-*
 5 *able to them under other sections of this Act or under other*
 6 *provisions of Federal or State law, or from private sources.*

7 **“Subtitle B—Disease Prevention**
 8 **and Health Promotion Services**
 9 **Program Authorized**

10 **“SEC. 351. PROGRAM AUTHORIZED.**

11 “(a) *The Assistant Secretary shall carry out a pro-*
 12 *gram for making grants to States under State plans ap-*
 13 *proved under section 304 to provide disease prevention and*
 14 *health promotion services and information at multipurpose*
 15 *senior centers, at congregate meal sites, through home deliv-*
 16 *ered meals programs, or at other appropriate sites. In car-*
 17 *rying out such program, the Assistant Secretary shall con-*
 18 *sult with the Director of the Centers for Disease Control*
 19 *and Prevention and the Director of the National Institute*
 20 *on Aging.*

21 “(b) *The Assistant Secretary shall, to the extent pos-*
 22 *sible, ensure that services provided by other community or-*
 23 *ganizations and agencies are used to carry out the provi-*
 24 *sions of this subtitle.*

1 **“SEC. 352. DISTRIBUTION TO AREA AGENCIES ON AGING.**

2 *“The State agency shall give priority, in carrying out*
3 *this subtitle, to areas of the State—*

4 *“(1) which are medically underserved, and*

5 *“(2) in which there is a large number of older*
6 *individuals who have the greatest economic need for*
7 *such services.*

8 **“SEC. 353. DEFINITION.**

9 *“As used in this subtitle, the term ‘disease prevention*
10 *and health promotion services’ means—*

11 *“(1) health risk assessments,*

12 *“(2) routine health screening,*

13 *“(3) nutritional counseling and educational serv-*
14 *ices for individuals and their primary caregivers,*

15 *“(4) health promotion programs,*

16 *“(5) programs regarding physical fitness,*

17 *“(6) home injury control services,*

18 *“(7) screening for the prevention of depression,*
19 *coordination of community mental health services,*
20 *provision of educational activities, and referral to*
21 *psychiatric and psychological services,*

22 *“(8) information and outreach services relating*
23 *to the prevention, diagnosis, and treatment of*
24 *osteoporosis,*

25 *“(9) educational programs on the availability,*
26 *benefits, and appropriate use of preventive health*

1 *services covered under title XVIII of the Social Secu-*
 2 *urity Act (42 U.S.C. 1395 et seq.),*

3 *“(10) medication management screening and*
 4 *education to prevent incorrect medication and adverse*
 5 *drug reactions,*

6 *“(11) information concerning age-related dis-*
 7 *eases and chronic disabling conditions,*

8 *“(12) gerontological counseling, and*

9 *“(13) counseling regarding social services and*
 10 *followup health services based on any of the services*
 11 *described in paragraphs (1) through (12),*

12 *but does not include services for which payment may be*
 13 *made under title XVIII of the Social Security Act (42*
 14 *U.S.C. 1395 et seq.).*

15 **“Subtitle C—Family Caregiver**
 16 **Programs**

17 **“SEC. 361. PROGRAM AUTHORIZED.**

18 *“(a) IN GENERAL.—The Assistant Secretary may*
 19 *make grants to States under State plans approved under*
 20 *section 304 for systems of support for families and other*
 21 *individuals who provide family caregiving services to older*
 22 *individuals.*

23 *“(b) FAMILY CAREGIVER SERVICES.—A system of sup-*
 24 *port for which a grant made under subsection (a) may be*
 25 *used shall provide—*

1 “(1) *information to caregivers who provide fam-*
2 *ily caregiving services to older individuals, about sup-*
3 *port services available to such caregivers,*

4 “(2) *assistance to such caregivers in gaining ac-*
5 *cess to such services,*

6 “(3) *individual counseling, organization of sup-*
7 *port groups, and training for such caregivers to help*
8 *families make decisions and solve problems relating to*
9 *their roles as caregivers who provide family*
10 *caregiving services to older individuals,*

11 “(4) *respite care to enable such caregivers to be*
12 *temporarily relieved from their caretaking respon-*
13 *sibilities, and*

14 “(5) *in-home services to complement family*
15 *caregiving services provided by such caregivers.*

16 “(c) *ELIGIBILITY.—A grant made under subsection (a)*
17 *may be used only for a system of support—*

18 “(1) *that provides for caregivers of older individ-*
19 *uals any of the support specified in paragraphs (1),*
20 *(2), and (3) of subsection (b),*

21 “(2) *that provides for caregivers of frail older in-*
22 *dividuals any of the support specified in subsection*
23 *(b), and*

24 “(3) *that gives priority for family caregiver sup-*
25 *port to older individuals and families with the great-*

1 *est social need and greatest economic need, with par-*
 2 *ticular attention to low-income older individuals.*

3 *“(d) QUALITY STANDARDS AND ACCOUNTABILITY.—*

4 *“(1) The State shall have in place mechanisms*
 5 *designed to ensure the quality of services under this*
 6 *subtitle.*

7 *“(2) The State shall collect data and furnish*
 8 *records at such time and in such form as the Assist-*
 9 *ant Secretary may require by rule to enable the As-*
 10 *sistant Secretary—*

11 *“(A) to monitor—*

12 *“(i) systems of support for which a*
 13 *grant made under subsection (a) is used,*
 14 *and*

15 *“(ii) compliance with this subtitle, and*

16 *“(B) to compare the effectiveness of such*
 17 *systems.*

18 *“(3) The State shall report to the Assistant Sec-*
 19 *retary on the data and information required under*
 20 *paragraph (2), including the services and activities*
 21 *funded under this subtitle, and standards and meth-*
 22 *ods by which the quality of services shall be assured.*

23 *“(e) STATE OPTION FOR COST SHARING.—*

24 *“(1) IN GENERAL.—A State may elect to require*
 25 *cost sharing under this subtitle for services described*

1 *in paragraphs (4) and (5) of subsection (b) (and may*
 2 *elect to require or permit area agencies on aging to*
 3 *require cost sharing by recipients of such services*
 4 *under area plans), except that—*

5 *“(A) individuals whose income does not ex-*
 6 *ceed the poverty line shall be exempt from re-*
 7 *quired cost-sharing, and*

8 *“(B) cost-sharing rates for individuals*
 9 *whose income exceeds the poverty line may be es-*
 10 *tablished only on a sliding-fee scale based on in-*
 11 *come and shall not be effective unless and until*
 12 *approved under paragraph (2).*

13 *“(2) ASSISTANT SECRETARY APPROVAL.—The*
 14 *Assistant Secretary may approve cost-sharing rates*
 15 *established in accordance with paragraph (1)(B).*

16 *“(3) INCOME DETERMINATIONS.—For purposes of*
 17 *this subtitle, the income of an older individual shall*
 18 *be determined by self-declaration.*

19 *“(4) INABILITY TO PAY COST.—An older indi-*
 20 *vidual will not be denied a service under this subtitle*
 21 *because of the inability of such individual to pay a*
 22 *share of the cost of such service.*

23 *“(f) COORDINATION WITH SERVICE PROVIDERS.—In*
 24 *carrying out this subtitle, each area agency on aging shall*
 25 *coordinate with other community agencies and voluntary*

1 *organizations that provide the types of services provided by*
 2 *systems for which grants are made under subsection (a).*

3 “(g) *LIMITATION ON USE OF FUNDS.*—

4 “(1) *USE OF GRANT.*—*A grant made under sub-*
 5 *section (a) may not be used to pay more than 75 per-*
 6 *cent of the cost of the system of support for which*
 7 *such grant is made.*

8 “(2) *MATCHING FUNDS.*—*Not more than 75 per-*
 9 *cent of the cost of such system may be paid funds*
 10 *from Federal sources and from funds received from*
 11 *cost sharing in effect under subsection (e), in the ag-*
 12 *gregate.*

13 **“Subtitle D—Authorization of** 14 **Appropriations**

15 **“SEC. 391. AUTHORIZATION OF APPROPRIATIONS.**

16 “(a) *SUPPORTIVE SERVICES AND MULTIPURPOSE SEN-*
 17 *IOR CENTERS.*—*There are authorized to be appropriated to*
 18 *carry out chapter 2 of subtitle A \$306,200,000 for fiscal*
 19 *year 2000 and such sums as may be necessary for years*
 20 *fiscal 2001, 2002, 2003, and 2004.*

21 “(b) *NUTRITION SERVICES.*—

22 “(1) *CONGREGATE NUTRITION SERVICES.*—*There*
 23 *are authorized to be appropriated to carry out part*
 24 *I of chapter 3 of subtitle A \$381,700,000 for fiscal*

1 *year 2000 and such sums as may be necessary for fis-*
2 *cal years 2001, 2002, 2003, and 2004.*

3 “(2) *HOME DELIVERED NUTRITION SERVICES.*—
4 *There are authorized to be appropriated to carry out*
5 *part II of chapter 3 of subtitle A \$114,200,000 for fis-*
6 *cal year 2000 and such sums as may be necessary for*
7 *fiscal years 2001, 2002, 2003, and 2004.*

8 “(c) *DISEASE PREVENTION AND HEALTH PROMOTION*
9 *SERVICES PROGRAM AUTHORIZED.*—*There are authorized*
10 *to be appropriated to carry out subtitle B \$16,400,000 for*
11 *fiscal year 2000 and such sums as may be necessary for*
12 *fiscal years 2001, 2002, 2003, and 2004.*

13 “(d) *FAMILY CAREGIVER SUPPORT PROGRAM.*—*There*
14 *is authorized to be appropriated to carry out subtitle C—*

15 “(1) *\$125,000,000 for fiscal year 2000 if the ag-*
16 *gregate amount appropriated under subsections (a)*
17 *and (b) of this section for fiscal year 2000 is not less*
18 *than the aggregate amount appropriated under sub-*
19 *sections (a) and (b) of section 303 of the Older Ameri-*
20 *cans Act of 1965 for fiscal year 1999, and*

21 “(2) *such sums as may be necessary for fiscal*
22 *years 2001, 2002, 2003, and 2004 if the aggregate*
23 *amount appropriated under subsections (a) and (b) of*
24 *this section for the particular fiscal year involved is*

1 *not less than the aggregate amount appropriated*
 2 *under such subsections for the preceding fiscal year.*

3 **“SEC. 392. ADDITIONAL FUNDS AVAILABLE FOR NUTRITION**
 4 **SERVICES.**

5 “(a) *FUNDS AVAILABLE.*—*In addition to the amount*
 6 *appropriated under section 391(b), and to provide nutrition*
 7 *services under subtitle A and title II for each of the fiscal*
 8 *years 2000, 2001, 2002, 2003, and 2004, the amount appro-*
 9 *priated under subsection (e) for such fiscal year shall be*
 10 *made available to the Assistant Secretary by the Secretary*
 11 *of Agriculture.*

12 “(b) *DIVISION OF FUNDS.*—*The Assistant Secretary*
 13 *shall divide the funds made available under subsection (a)*
 14 *so that—*

15 “(1) *98.9 percent of such funds is allotted in ac-*
 16 *cordance with subsection (c) to provide nutrition serv-*
 17 *ices under subtitle A, and*

18 “(2) *the balance is available to make grants*
 19 *under title II to provide nutrition services.*

20 “(c) *ALLOTMENTS BASED ON MEALS SERVED.*—

21 “(1) *IN GENERAL.*—*The Secretary shall allot and*
 22 *pay, to each State agency with a plan approved*
 23 *under this title for a fiscal year, and to each tribal*
 24 *organization with an application approved under sec-*
 25 *tion 202 for such fiscal year, an amount bearing the*

1 *same ratio to the total amount appropriated for such*
2 *fiscal year under subsection (e) as the number of*
3 *meals served in the State, under such plan approved*
4 *for the preceding fiscal year (or the number of meals*
5 *served by the tribal organization, under such applica-*
6 *tion approved for such preceding fiscal year), bears*
7 *to the total number of such meals served in all States*
8 *and by all tribal organizations under all such plans*
9 *and applications approved for such preceding fiscal*
10 *year.*

11 *“(2) CALCULATION OF ALLOTMENT FOR CERTAIN*
12 *TRIBAL ORGANIZATIONS.—For purposes of paragraph*
13 *(1), in the case of a tribal organization that has a*
14 *plan approved under section 202 for a fiscal year but*
15 *that did not receive assistance under this section for*
16 *the preceding fiscal year, the number of meals served*
17 *by the tribal organization in the preceding fiscal year*
18 *shall be deemed to equal the number of meals that the*
19 *Assistant Secretary estimates will be served by the*
20 *tribal organization in the current fiscal year.*

21 *“(d) ELECTION TO RECEIVE COMMODITIES IN LIEU*
22 *OF CASH.—*

23 *“(1) ELECTION.—A State to which funds are al-*
24 *lotted under subsection (b)(1), or a recipient of a*
25 *grant referred to in subsection (b)(2), may elect to re-*

1 *ceive commodities in lieu of all or part of such funds*
2 *or of such grant.*

3 “(2) *PURCHASE OF COMMODITIES FROM THE*
4 *SECRETARY OF AGRICULTURE.—If a State or grant*
5 *recipient makes a timely election under paragraph*
6 *(1), the Assistant Secretary shall use the amount of*
7 *such funds designated by the State, or of such grant*
8 *designated by the grant recipient, to purchase com-*
9 *modities from the Secretary of Agriculture and to*
10 *make such commodities available to the State or*
11 *grant recipient.*

12 “(e) *AUTHORIZATION OF APPROPRIATIONS.—There are*
13 *authorized to be appropriated to carry out this section*
14 *\$150,000,000 for fiscal year 2000 and such sums as may*
15 *be necessary for fiscal years 2001, 2002, 2003, and 2004.*

1 **“TITLE IV—STATE LONG-TERM**
 2 **CARE OMBUDSMAN PRO-**
 3 **GRAMS; SERVICES FOR THE**
 4 **PREVENTION AND REMEDI-**
 5 **ATION OF ELDER ABUSE, NE-**
 6 **GLECT, AND EXPLOITATION**
 7 **“Subtitle A—Use of Additional**
 8 **Allotments**

9 **“SEC. 401. USE OF ALLOTMENTS.**

10 *“Funds allotted under section 302(b) shall be made*
 11 *available for a fiscal year to States that receive funds from*
 12 *allotments made under section 302(a) for such fiscal year*
 13 *and that agree to use funds received under this section—*

14 *“(1) to carry out a State long-term care ombuds-*
 15 *man program that complies with the requirements of*
 16 *subtitles B and D,*

17 *“(2) to provide, through the State agency and in*
 18 *consultation with area agencies on aging, services for*
 19 *the prevention and remediation of elder abuse, ne-*
 20 *glect, and exploitation and that comply with the re-*
 21 *quirements of subtitles C and D, or*

22 *“(3) both to carry out the program described in*
 23 *paragraph (1) and to provide the services described in*
 24 *paragraph (2).*

1 **“Subtitle B—State Long-Term Care**
2 **Ombudsman Program**

3 **“SEC. 421. REQUIREMENTS APPLICABLE TO STATE LONG-**
4 **TERM CARE OMBUDSMAN PROGRAM.**

5 *“To carry out a State long-term care ombudsman pro-*
6 *gram for which funds received from allotments made under*
7 *subsections (a) and (b) of section 302 may be used, a State*
8 *shall comply with all of the following:*

9 *“(1) DUTIES.—The State agency shall provide*
10 *services—*

11 *“(A) to identify, to investigate, and to re-*
12 *solve complaints that—*

13 *“(i) are made by or on behalf of older*
14 *individuals who are residents of long-term*
15 *care facilities, and*

16 *“(ii) relate to action, inaction, or deci-*
17 *sions that may adversely affect the health,*
18 *safety, welfare, or rights of such residents*
19 *(including the welfare and rights of such*
20 *residents with respect to the appointment*
21 *and activities of guardians and representa-*
22 *tive payees), of providers (or representatives*
23 *of providers) of long-term care services, pub-*
24 *lic agencies, or health and social service*
25 *agencies,*

1 “(B) provide services to assist such residents
2 in protecting the health, safety, welfare, and
3 rights of such residents,

4 “(C) inform such residents about means of
5 obtaining services provided by providers or agen-
6 cies described in subparagraph (A)(ii) or services
7 described in subparagraph (A),

8 “(D) ensure that such residents have regular
9 and timely access to the services provided
10 through the State long-term care ombudsman
11 program and that such residents and complain-
12 ants receive from program representatives of the
13 State agency timely responses to complaints,

14 “(E) represent the interests of such residents
15 before governmental agencies and seek adminis-
16 trative, legal, and other remedies to protect the
17 health, safety, welfare, and rights of the resi-
18 dents,

19 “(F) provide administrative and technical
20 assistance to entities designated under para-
21 graph (6) to assist the entities in participating
22 in the program,

23 “(G) analyze, comment on, and monitor the
24 development and implementation of Federal,
25 State, and local laws, rules, and other govern-

1 *mental policies and actions, that pertain to the*
2 *health, safety, welfare, and rights of the resi-*
3 *dents, with respect to the adequacy of long-term*
4 *care facilities and services in the State,*

5 *“(H) provide for training program rep-*
6 *resentatives of the State agency, and*

7 *“(I) carry out such other activities as the*
8 *State agency determines to be appropriate.*

9 *“(2) CONTRACTS AND ARRANGEMENTS.—(A) Ex-*
10 *cept as provided in subparagraph (B), the State agen-*
11 *cy may carry out the State long-term care ombuds-*
12 *man program, directly, or by contract or other ar-*
13 *rangement with any public agency or nonprofit pri-*
14 *vate organization.*

15 *“(B) For purposes of subparagraph (A), the*
16 *State agency may not enter into a contract or other*
17 *arrangement with—*

18 *“(i) an agency or organization that is re-*
19 *sponsible for licensing or certifying long-term*
20 *care services in the State, or*

21 *“(ii) an association (or an affiliate of such*
22 *an association) of long-term care facilities, or of*
23 *any other residential facilities for older individ-*
24 *uals.*

1 “(3) *DESIGNATION OF LOCAL OMBUDSMAN ENTI-*
2 *TIES AND REPRESENTATIVES.*—(A) *In carrying out*
3 *the duties specified in paragraph (1), the State agen-*
4 *cy may designate an entity as a local ombudsman en-*
5 *tity, and may designate an individual (including an*
6 *employee or volunteer) to represent the entity.*

7 “(B) *An individual so designated may, in ac-*
8 *cordance with the policies and procedures established*
9 *by the State agency—*

10 “(i) *provide services to protect the health,*
11 *safety, welfare, and rights of older individuals*
12 *who are residents of long-term care facilities,*

13 “(ii) *ensure that residents in the service*
14 *area of the entity have regular, timely access to*
15 *representatives of the State long-term care om-*
16 *budsman program and timely responses to com-*
17 *plaints and requests for assistance,*

18 “(iii) *identify, investigate, and resolve com-*
19 *plaints made by or on behalf of such residents*
20 *that relate to action, inaction, or decisions, that*
21 *may adversely affect the health, safety, welfare,*
22 *or rights of such residents,*

23 “(iv) *represent the interests of such residents*
24 *before government agencies and seek administra-*
25 *tive, legal, and other remedies to protect the*

1 *health, safety, welfare, and rights of such resi-*
2 *dents,*

3 “(v) review, and if necessary, comment on
4 *existing and proposed laws, rules, and other gov-*
5 *ernment policies and actions, that pertain to the*
6 *rights and well-being of such residents,*

7 “(vi) facilitate the ability of the public to
8 *comment on such laws, rules, policies, and ac-*
9 *tions,*

10 “(vii) support the development of resident
11 *and family councils, and*

12 “(viii) carry out other activities that the
13 *State agency determines to be appropriate.*

14 “(C)(i) *The State agency shall establish policies*
15 *and procedures for monitoring local ombudsman enti-*
16 *ties designated to carry out the duties specified in*
17 *paragraph (1).*

18 “(ii) *If the entities are grantees, or the represent-*
19 *atives are employees, of area agencies on aging, the*
20 *State agency shall develop such policies after con-*
21 *sultation with such area agencies on aging. Such*
22 *policies shall provide for participation and comment*
23 *by such area agencies on aging and for resolution of*
24 *concerns with respect to case activity.*

1 “(iii) *The State agency shall develop the policies*
2 *and procedures in accordance with all provisions of*
3 *this subtitle regarding confidentiality and conflict of*
4 *interest.*

5 “(4) *PROCEDURES FOR ACCESS.—The State shall*
6 *ensure, and shall establish procedures that ensure,*
7 *that program representatives of the State agency shall*
8 *have—*

9 “(A) *access to long-term care facilities and*
10 *residents,*

11 “(B)(i) *appropriate access to review the*
12 *medical and social records of a resident, if the*
13 *program representative involved has the permis-*
14 *sion of the resident (or the legal representative of*
15 *the resident), or the resident is unable to consent*
16 *to the review and has no legal representative, or*

17 “(ii) *access to such records as is necessary*
18 *to investigate a complaint if a legal guardian of*
19 *the resident refuses to give the permission, a pro-*
20 *gram representative of the State agency has rea-*
21 *sonable cause to believe that the guardian is not*
22 *acting in the best interests of the resident, and*
23 *the program representative obtains the approval*
24 *of the State agency,*

1 “(C) access to the administrative records,
2 policies, and documents, to which the residents
3 have or the general public has access, of long-
4 term care facilities, and

5 “(D) access to and, on request, copies of all
6 licensing and certification records maintained by
7 the State with respect to long-term care facilities.

8 “(5) *REPORTING SYSTEM.*—The State agency
9 shall collect and analyze data relating to complaints
10 and conditions in long-term care facilities and to
11 older individuals who are residents of long-term care
12 facilities, for the purpose of identifying and resolving
13 significant problems.

14 “(6) *DISCLOSURE.*—(A) The State agency shall
15 establish procedures for the disclosure by the State
16 agency or local ombudsman entities of files main-
17 tained by the State long-term care ombudsman pro-
18 gram, including records and data described in para-
19 graphs (4) and (5).

20 “(B) The procedures described in subparagraph
21 (A) shall provide that, the files and records described
22 in subparagraph (A) may be disclosed only at the dis-
23 cretion of the State agency. The procedures described
24 in subparagraph (A) shall prohibit the disclosure of
25 the identity of any complainant, or resident of a

1 *long-term care facility, with respect to whom the*
2 *State agency maintains such files or records unless—*

3 *“(i) the complainant or resident, or the*
4 *legal representative of the complainant or resi-*
5 *dent, consents to the disclosure and the consent*
6 *is given in writing,*

7 *“(ii) the complainant or resident gives con-*
8 *sent orally and the consent is documented con-*
9 *temporaneously in writing made by a program*
10 *representative of the State agency in accordance*
11 *with such requirements as the State agency shall*
12 *establish, or*

13 *“(iii) the disclosure is required by court*
14 *order.*

15 *“(7) CONSULTATION.—In planning and oper-*
16 *ating the State long-term care ombudsman program,*
17 *the State agency shall consider the views of area*
18 *agencies on aging, older individuals, and providers of*
19 *long-term care.*

20 *“(8) CONFLICT OF INTEREST.—The State agency*
21 *shall develop procedures to prevent conflicts of interest*
22 *with respect to individuals and entities that carry out*
23 *activities under the State long-term care ombudsman*
24 *program.*

1 “(9) *LEGAL COUNSEL.*—*The State agency shall*
2 *ensure that—*

3 “(A)(i) *adequate legal counsel is available*
4 *and able to provide advice and consultation*
5 *needed to protect the health, safety, welfare, and*
6 *rights of older individuals who are residents of*
7 *long-term care facilities, and to assist the pro-*
8 *gram representatives of the State agency in the*
9 *performance of the official duties of the State*
10 *agency, and*

11 “(ii) *legal representation is provided to any*
12 *program representative of the State agency*
13 *against whom suit or other legal action is*
14 *brought or threatened to be brought in connection*
15 *with the performance of the official duties of the*
16 *State agency or such a representative, and*

17 “(B) *the State agency pursues administra-*
18 *tive, legal, and other appropriate remedies on be-*
19 *half of such residents.*

20 “(10) *LIABILITY.*—*The State shall ensure that no*
21 *program representative of the State agency will be*
22 *liable under State law for the good faith performance*
23 *of official duties.*

24 “(11) *NONINTERFERENCE.*—*The State shall—*

1 “(A) ensure that willful interference with
 2 the State agency in the performance of the offi-
 3 cial duties under the State long-term care om-
 4 budsman program shall be unlawful,

5 “(B) prohibit retaliation and reprisals by a
 6 long-term care facility or other entity with re-
 7 spect to any resident, employee, or other person
 8 for filing a complaint with, providing informa-
 9 tion to, or otherwise cooperating with any rep-
 10 resentative of, the State agency, and

11 “(C) provide for appropriate sanctions with
 12 respect to such interference and such retaliation
 13 and reprisals.

14 **“Subtitle C—Prevention and Reme-**
 15 **diation of Elder Abuse, Neglect,**
 16 **and Exploitation**

17 **“SEC. 441. REQUIREMENTS APPLICABLE TO PROVIDING**
 18 **SERVICES TO PREVENT AND TO REMEDIATE**
 19 **ELDER ABUSE, NEGLECT, AND EXPLOI-**
 20 **TATION.**

21 “To provide services to prevent and to remediate elder
 22 abuse, neglect, and exploitation, for which funds received
 23 from allotments made under sections 302(a) and 302(b)
 24 may be used, a State shall include in the State plan re-
 25 quired by section 304 all of the following:

1 “(1) *IMMUNITY.*—An assurance that the State
2 has in effect laws relating to elder abuse, neglect, and
3 exploitation that include provisions for immunity for
4 persons who report, in good faith, instances of elder
5 abuse, neglect, and exploitation, from prosecution
6 under any State or local law arising out of such re-
7 porting.

8 “(2) *TRAINING.*—An assurance that individuals
9 who provide services to prevent and to remediate elder
10 abuse, neglect, and exploitation are trained to effec-
11 tively deal with such reported instances.

12 “(3) *PROHIBITION OF INVOLUNTARY PARTICIPA-*
13 *TION.*—An assurance that involuntary or coerced par-
14 ticipation in services provided under this subtitle by
15 alleged victims, abusers, or members of their house-
16 holds will not be permitted.

17 “(4) *CONFLICT OF INTEREST.*—An assurance
18 that the State requires all information gathered in the
19 course of receiving reports on instances of, and of
20 making referrals relating to elder abuse, neglect, and
21 exploitation remain confidential—

22 “(A) unless all parties to such complaint
23 consent in writing to the release of such informa-
24 tion,

1 “(B) unless the release of such information
2 is to a law enforcement agency, public protective
3 service agency, licensing or certification agency,
4 ombudsman program, or protection or advocacy
5 system, or

6 “(C) except upon court order.

7 “(5) *CONFLICTS WITH OTHER AGENCIES.*—An
8 assurance that the State agency will make all reason-
9 able efforts to resolve any conflicts with other public
10 agencies with respect to confidentiality of the infor-
11 mation described in paragraph (4).

12 “(6) *COORDINATION.*—An assurance that the
13 State agency will coordinate its services under this
14 subtitle with law enforcement officials, courts of com-
15 petent jurisdiction, and other relevant State and local
16 programs, including area agencies on aging and
17 agencies that administer adult protective services,
18 medicaid fraud and abuse services (including services
19 provided by a State Medicaid fraud control unit, as
20 defined in section 1903(q) of the Social Security Act
21 (42 U.S.C. 1396b(q)), and victim assistance pro-
22 grams.

23 “(7) *PARTICIPATION IN DECISIONS.*—An assur-
24 ance that older individuals participate in decisions
25 regarding their welfare.

1 “(8) *OTHER ACTIVITIES.*—A description of other
 2 activities that the State agency determines to be bene-
 3 ficial in the prevention and remediation of abuse, ne-
 4 glect, or exploitation of older individuals and intends
 5 to carry out under this subtitle.

6 **“SEC. 442. MANNER OF PROVIDING OF SERVICES.**

7 “The State agency may provide services under section
 8 441 to prevent and to remediate elder abuse, neglect, and
 9 exploitation either directly or through contracts or agree-
 10 ments with public or nonprofit private agencies or organi-
 11 zations, including—

12 “(1) other State entities,

13 “(2) area agencies on aging,

14 “(3) political subdivisions of the State,

15 “(4) institutions of higher education,

16 “(5) tribal organizations and Alaska Native or-
 17 ganizations, and

18 “(6) nonprofit service providers or volunteer or-
 19 ganizations.

20 **“Subtitle D—Administrative Provi-**
 21 **sions; Authorizations of Appro-**
 22 **priations**

23 **“SEC. 491. TECHNICAL ASSISTANCE.**

24 “(a) *OTHER AGENCIES.*—In carrying out this title, the
 25 Assistant Secretary may request the technical assistance

1 *and cooperation of such Federal entities as may be appro-*
2 *priate.*

3 “(b) *ASSISTANT SECRETARY.—The Assistant Sec-*
4 *retary shall provide technical assistance and training (by*
5 *contract, grant, or otherwise) to individuals and entities*
6 *that administer activities carried out in accordance with*
7 *subtitle B or C.*

8 **“SEC. 492. AUDITS.**

9 “(a) *ACCESS.—The Assistant Secretary, the Comp-*
10 *troller General of the United States, and any duly author-*
11 *ized representative of the Assistant Secretary or the Comp-*
12 *troller shall have access, for the purpose of conducting an*
13 *audit or examination, to any books, documents, papers, and*
14 *records that are pertinent to financial assistance received*
15 *to carry out subtitle B or C.*

16 “(b) *LIMITATION.—In carrying out subtitles B and C,*
17 *State agencies and area agencies on aging shall not request*
18 *information or data from providers that is not pertinent*
19 *to services furnished under such subtitles or to a payment*
20 *made for the services provided under such subtitles.*

21 **“SEC. 493. AUTHORIZATIONS OF APPROPRIATIONS.**

22 “*There are authorized to be appropriated to carry out*
23 *this title \$12,400,000 for fiscal year 2000 and such sums*
24 *as may be necessary for fiscal years 2001, 2002, 2003, and*
25 *2004.*

1 **“TITLE V—COMMUNITY SERVICE**
 2 **EMPLOYMENT FOR OLDER**
 3 **AMERICANS**

4 **“SEC. 501. SHORT TITLE.**

5 *“This title may be cited as the ‘Older American Com-*
 6 *munity Service Employment Act of 1999’.*

7 **“SEC. 502. ALLOTMENT AND RESERVATION OF FUNDS FOR**
 8 **COMMUNITY SERVICE EMPLOYMENT.**

9 *“(a) ALLOTMENT OF FUNDS FOR FISCAL YEARS 2000–*
 10 *2004.—*

11 *“(1) BASE ALLOTMENT.—The amount appro-*
 12 *priated under section 506 for each of the fiscal years*
 13 *2000 through 2004 shall be allotted by the Secretary*
 14 *of Labor with respect to the States as follows:*

15 *“(A) For each of the fiscal years 2000,*
 16 *2001, 2002, 2003, and 2004 such amount appro-*
 17 *priated for such fiscal year, to the extent such*
 18 *amount does not exceed the aggregate amount the*
 19 *Secretary reserved under section 506(a)(1)(A) of*
 20 *the Older Americans Act of 1965 to carry out*
 21 *title V of such Act for fiscal year 1999, shall be*
 22 *allotted with respect to the States proportion-*
 23 *ately based on the sum of the respective shares of*
 24 *such aggregate amount expended in the States to*
 25 *carry out such title for such fiscal year.*

1 “(B) If such amount appropriated for any
2 of such fiscal years exceeds such aggregate
3 amount, the excess amount shall be allotted in
4 accordance with paragraph (2).

5 “(2) ALLOTMENTS BASED ON AGE AND PER CAP-
6 ITA INCOME.—Each amount referred to in paragraph
7 (1)(B) shall be allotted as follows:

8 “(A) Subject to subparagraph (B), with re-
9 spect to each State there shall be allotted the
10 amount that bears the same ratio to the amount
11 so referred to as the product of the number of in-
12 dividuals 55 years of age or older in the State
13 and the allotment percentage of the State bears
14 to the sum of the corresponding products for all
15 the States.

16 “(B) The amounts allotted under subpara-
17 graph (A) shall be reduced proportionately to the
18 extent necessary to increase other allotments
19 under such subparagraph to achieve the fol-
20 lowing:

21 “(i) With respect to each State there
22 shall be allotted $\frac{1}{2}$ of 1 percent of the
23 amount appropriated for the fiscal year for
24 which the determination is made.

1 “(ii) *With respect to each of Guam,*
2 *American Samoa, the Virgin Islands of the*
3 *United States, and the Commonwealth of*
4 *the Northern Mariana Islands there shall be*
5 *allotted not less than $\frac{1}{4}$ of 1 percent of the*
6 *amount appropriated for the fiscal year for*
7 *which the determination is made or*
8 *\$50,000, whichever is greater.*

9 “(3) *ALLOTMENT PERCENTAGE.—For purposes of*
10 *paragraph (2)(A)—*

11 “(A) *except as provided in subparagraph*
12 *(B), the allotment percentage of each State shall*
13 *be 100 percent less than percentage which bears*
14 *the same ratio to 50 percent as the per capita*
15 *income of the State bears to the aggregate per*
16 *capita income of all the States, except that the*
17 *allotment percentage shall be not more than 75*
18 *percent and not less than $33\frac{1}{3}$ percent, and*

19 “(B) *the allotment percentage for the Dis-*
20 *trict of Columbia, the Commonwealth of Puerto*
21 *Rico, Guam, American Samoa, the Virgin Is-*
22 *lands of the United States, and the Common-*
23 *wealth of the Northern Mariana Islands shall be*
24 *75 percent.*

1 “(4) *LIMITATION.*—For purposes of paragraphs
 2 (2)(B)(i) and (3)(A), the term ‘State’ does not include
 3 Guam, American Samoa, the Virgin Islands of the
 4 United States, or Commonwealth of the Northern
 5 Mariana Islands.

6 “(5) *POPULATION AND PER CAPITA INCOME DE-*
 7 *TERMINATIONS.*—For purposes of this subsection, the
 8 number of individuals 55 years of age or older in
 9 each State, and the per capita income of each State,
 10 shall be determined by the Secretary on the basis of
 11 the most satisfactory data available to the Secretary.

12 “(b) *RESERVATION OF ALLOTTED FUNDS.*—Subject to
 13 subsection (c), the Secretary shall reserve funds allotted
 14 under subsection (a) as follows:

<i>Allotment with Respect to the State for Fiscal Year:</i>	<i>Percent of Allotment Reserved for Grants to National Orga- nizations to Carry Out Projects in the State:</i>	<i>Percent of Allot- ment Reserved for Grants to the State:</i>
2000	73.4	26.6
2001	68.8	31.2
2002	64.2	35.8
2003	59.6	40.4
2004	55	45.

15 “(c) *PENALTY ADJUSTMENT TO RESERVED*
 16 *AMOUNTS.*—(1) If the recipient of a grant under section
 17 503(a)(1) fails (directly or through the operation of projects
 18 carried out under agreements made under section 503(b)
 19 by such recipient) in a fiscal year to comply with the re-
 20 quirements of this title or fails to substantially meet the
 21 applicable performance standards in effect under section

1 503(h), then the Secretary may, in the discretion of the Sec-
 2 retary, reduce the amount of the grant such recipient would
 3 receive under section 503(a)(1) in the succeeding fiscal year
 4 but for the operation of this subsection, by an amount, based
 5 on the extent of the failure but not to exceed 15 percent
 6 of such grant for such succeeding fiscal year, and—

7 “(A) if such recipient is a State, may make the
 8 amount of the reduction in such grant available to
 9 make grants under section 503(a)(1) to eligible orga-
 10 nizations to carry out projects in such State, or

11 “(B) if such recipient is an organization, may
 12 make the amount of the reduction in such grant
 13 available to make grants under section 503(a)(1) to—

14 “(i) the State in which such recipient car-
 15 ried out the project that is the basis of the reduc-
 16 tion, or

17 “(ii) other eligible organizations to carry
 18 out projects in the State referred to in clause (i).

19 “(2) If the recipient of a grant under section 503(a)(1)
 20 fails in 3 consecutive fiscal years (directly or through the
 21 operation of projects carried out under agreements made
 22 under section 503(b) by such recipient) to comply with the
 23 requirements of this title or to substantially meet the appli-
 24 cable performance standards in effect under section 503(h),
 25 then the Secretary shall make the applicable reduction de-

1 scribed in paragraph (1) and may make the amount of such
 2 reduction available to make grants in accordance with sub-
 3 paragraphs (A) and (B) of such paragraph.

4 “(3) In making any reduction under paragraph (1)
 5 or (2), the Secretary shall ensure, to the maximum extent
 6 practicable, that older individuals who were employed im-
 7 mediately before such reduction is made, in projects for
 8 which the reduced grant will be used shall continue to be
 9 employed in projects for which agreements are made under
 10 section 503(b) for such succeeding fiscal year.

11 **“SEC. 503. OLDER AMERICAN COMMUNITY SERVICE EM-**
 12 **PLOYMENT PROGRAM.**

13 “(a) *AUTHORITY FOR PROGRAM.*—(1) With funds re-
 14 served under section 502(b), the Secretary shall make grants
 15 to eligible States, and on a competitive basis taking into
 16 account performance reports submitted under subsection (j)
 17 or other information relating to past performance similar
 18 to performance of the kind described in such reports, to pub-
 19 lic and nonprofit private national organizations, for the
 20 purpose of providing to unemployed low-income older indi-
 21 viduals who have poor employment prospects, employment
 22 opportunities in providing community services.

23 “(2)(A)(i) Subject to clause (ii), not less than 85 per-
 24 cent of each grant made under paragraph (1), and not less
 25 than 85 percent of the funds received by an entity under

1 *each agreement made under subsection (b), shall be used to*
2 *pay wages and benefits for older individuals who are em-*
3 *ployed under agreements made under subsection (b).*

4 “(ii) *On the request of the recipient of such grant and*
5 *based on information submitted to the Secretary by such*
6 *applicant, the Secretary may waive the requirement speci-*
7 *fied in clause (i) applicable to entities that make agree-*
8 *ments under subsection (b) with such applicant, so as to*
9 *permit such applicant to allow any of such entities to use*
10 *not more than 5 percent (in the aggregate) of the funds re-*
11 *ceived under their respective agreements—*

12 “(I) *to provide employment-related counseling to*
13 *such individuals,*

14 “(II) *to provide employment-related supportive*
15 *services to such individuals, and*

16 “(III) *to pay employment-related transportation*
17 *costs,*

18 *if the Secretary determines that the use of additional funds*
19 *is necessary to carry out the activities described in sub-*
20 *clauses (I), (II), or (III).*

21 “(B)(i) *Except as provided in clause (ii), not more*
22 *than 13.5 percent of such grant may be used to pay admin-*
23 *istrative costs and costs incurred—*

24 “(I) *to provide the training described in sub-*
25 *section (c)(2)(H), and*

1 “(II) to perform the assessment described in sub-
2 section (c)(2)(L).

3 “(ii) At the request of the recipient of a grant made
4 under paragraph (1) and based on information submitted
5 to the Secretary by such recipient, the Secretary may per-
6 mit such recipient to use a greater part of such grant, but
7 not more than 15 percent of such grant, to pay the adminis-
8 trative costs described in clause (i) if the Secretary deter-
9 mines that the use of such greater part to pay such costs
10 is necessary to carry out the projects with respect to which
11 such request is made.

12 “(C) To the maximum extent practicable, an entity
13 that carries out a project under an agreement made under
14 subsection (b) shall provide for the payment of the costs de-
15 scribed in subparagraph (B) from non-Federal sources.

16 “(b) *ELIGIBILITY FOR GRANTS.*—To be eligible to re-
17 ceive a grant under subsection (a), a State, or public or
18 private nonprofit national organization, shall submit to the
19 Secretary an application in such form and containing such
20 information as the Secretary may require by rule, includ-
21 ing an assurance that such grant will be used by the State
22 or the organization to carry out projects (excluding projects
23 involving the construction, operation, or maintenance of
24 any facility used or to be used as a place for sectarian reli-
25 gious instruction or worship) for the purpose specified in

1 subsection (a) through the following types of agreements
2 that satisfy the requirements of subsection (c) and that pro-
3 vide for meeting specifications the State or the organization
4 shall establish and the performance standards in effect
5 under subsection (i):

6 “(1) Agreements may be made by the State or
7 the organization with—

8 “(A) public or nonprofit private agencies or
9 organizations,

10 “(B) political subdivisions of States having
11 elected or duly appointed governing officials (or
12 combinations of such political subdivisions),

13 “(C) tribal organizations,

14 “(D) area agencies on aging, and

15 “(E) national organizations, and State and
16 local affiliates of national organizations,

17 to pay the cost of providing part-time employment
18 to older individuals described in subsection (a).

19 “(2) At the election of the State or the organiza-
20 tion, not more than 5 percent of the grant received
21 under subsection (a) may be used to make agreements
22 with businesses (giving special consideration to busi-
23 nesses in growth industries) to pay not more than 50
24 percent of the cost of providing part-time or full-time

1 *employment to older individuals described in sub-*
2 *section (a).*

3 “(c) *REQUIREMENTS.*—*Subject to subsection (d), this*
4 *subsection shall apply to agreements made under subsection*
5 *(b).*

6 “(1) *Each such agreement shall be made after*
7 *consideration of the following, as demonstrated by the*
8 *entity that proposes to carry out a project to provide*
9 *employment to older individuals described in sub-*
10 *section (a):*

11 “(A) *The ability of such entity to provide*
12 *community service employment and to satisfy*
13 *the requirements of this title.*

14 “(B) *The ability to meet applicable speci-*
15 *fications and performance standards referred to*
16 *in subsection (b).*

17 “(C) *The ability to provide employment-re-*
18 *lated supportive services to assist older individ-*
19 *uals described in subsection (a) to participate in*
20 *employment provided by the project.*

21 “(D) *The effective use of funds to be received*
22 *under such agreement, to pay administrative*
23 *costs of the project and to pay wages and benefits*
24 *for such individuals who are participating in*
25 *employment provided by the project.*

1 “(2) *Each such agreement shall provide that no*
2 *payment shall be made by the State, or by the public*
3 *or nonprofit private national organization toward the*
4 *cost of the project unless the State or the organization*
5 *determines that the project, and the entity that car-*
6 *ries out the project, will satisfy all of the following:*

7 “(A)(i) *The entity that carries out the*
8 *project will use funds received under such agree-*
9 *ment that are attributable to a grant made*
10 *under subsection (a) or any other Federal law,*
11 *to pay not more than 85 percent of the cost of*
12 *the project.*

13 “(ii) *The non-Federal share of such cost will*
14 *be contributed in cash or in kind. In deter-*
15 *mining the amount of the non-Federal share, the*
16 *Secretary may attribute fair market value to*
17 *services and facilities contributed from non-Fed-*
18 *eral sources.*

19 “(B) *The project will provide employment*
20 *only for older individuals described in subsection*
21 *(a), except for necessary technical, administra-*
22 *tive, and supervisory personnel, but such per-*
23 *sonnel shall, to the fullest extent possible, be re-*
24 *cruited from among older individuals described*
25 *in subsection (a).*

1 “(C)(i) *If such agreement is made with a*
2 *State, the project will provide employment for*
3 *such individuals in the community in which*
4 *such individuals reside, or in nearby commu-*
5 *nities.*

6 “(ii) *If such agreement is made with a trib-*
7 *al organization, the project will provide employ-*
8 *ment for such individuals who are Indians resid-*
9 *ing on or near an Indian reservation.*

10 “(D) *The project (except with respect to an*
11 *agreement described in subsection (b)(2)) will*
12 *employ such individuals in services related to*
13 *publicly owned and operated facilities and*
14 *projects, or related to projects sponsored by orga-*
15 *nizations (other than political parties) described*
16 *in section 501(c)(3) of the Internal Revenue Code*
17 *of 1986 that are exempt from taxation under sec-*
18 *tion 501(a) of such Code.*

19 “(E) *The project will contribute to the gen-*
20 *eral welfare of the community.*

21 “(F) *The project will—*

22 “(i) *result in an increase in employ-*
23 *ment opportunities over those opportunities*
24 *that would otherwise be available,*

1 “(ii) not result in the displacement of
2 currently employed workers (including par-
3 tial displacement, such as a reduction in
4 the hours of nonovertime work or wages or
5 employment benefits), and

6 “(iii) not impair existing contracts or
7 result in the substitution of Federal funds
8 for other funds in connection with work
9 that would otherwise be performed.

10 “(G) The project will utilize methods of re-
11 cruitment and selection (including listing of job
12 vacancies with the employment agency operated
13 by any State or political subdivision thereof)
14 that will ensure that the maximum number of
15 older individuals described in subsection (a) will
16 have an opportunity to participate in the
17 project.

18 “(H)(i) The project will include such train-
19 ing as may be necessary to make the most effec-
20 tive use of the skills and talents of such individ-
21 uals who are participating and assist in their
22 transition into employment for which no finan-
23 cial assistance is provided under this title, and
24 may provide for the payment of the reasonable
25 expenses of such individuals being trained.

1 “(ii) Unless the number of such individuals
2 in need of the training required by clause (i) is
3 sufficient to justify the establishment of a train-
4 ing program by the project, such training shall
5 be provided, to the maximum extent practicable,
6 by the project by placing such individuals in
7 training programs for which Federal or State
8 funds are provided under another law. Such in-
9 dividuals who participate in such training pro-
10 grams shall be deemed to have received the train-
11 ing required by clause (i).

12 “(I) The project will provide to older indi-
13 viduals described in subsection (a) who are em-
14 ployed in the project, wages at rates that are—

15 “(i) the same rates (including periodic
16 increases) as employees who are similarly
17 situated in similar occupations by the same
18 employer and who have similar training,
19 experience, and skills, and

20 “(ii) in accordance with applicable
21 law but are not less than the higher of the
22 rate specified in section 6(a)(1) of the Fair
23 Labor Standards Act of 1938 (29 U.S.C.
24 206(a)(1)) or rate required by the applica-
25 ble State or local minimum wage law.

1 “(J) The project will be established or ad-
2 ministered with the advice of individuals com-
3 petent in the field of service in which employ-
4 ment is being provided, and of individuals who
5 are knowledgeable with regard to the needs of
6 older individuals.

7 “(K) The project may authorize payment
8 for reasonable transportation costs of older indi-
9 viduals described in subsection (a) that may be
10 incurred in employment in the project.

11 “(L) The project will prepare an assessment
12 of—

13 “(i) the participating older individ-
14 uals’ skills and talents,

15 “(ii) their need for supportive services,
16 and

17 “(iii) their ability to perform commu-
18 nity service employment,

19 except to the extent the project has, for the par-
20 ticular participant involved, an assessment of
21 such skills and talents, such need, or such capa-
22 bilities prepared recently pursuant to another
23 employment or training program.

24 “(M) The project will, to the maximum ex-
25 tent feasible, serve the needs of minority, limited

1 *English-speaking ability, and Indian eligible in-*
2 *dividuals, and eligible individuals with greatest*
3 *economic need.*

4 “(N) *The entity that carries out the project*
5 *will post in the project workplace a notice, and*
6 *will make available to each individual associated*
7 *with the project a written explanation, clarifying*
8 *the law with respect to allowable and unallow-*
9 *able political activities under chapter 15 of title*
10 *5, United States Code, applicable to the project*
11 *and to each category of individuals associated*
12 *with the project.*

13 “(O) *In providing employment opportuni-*
14 *ties under the project, such entity will give pri-*
15 *ority to low-income individuals who are 60 years*
16 *of age or older.*

17 “(P) *Before the end of the fiscal year during*
18 *which the entity carries out the project, such en-*
19 *tity will demonstrate, to the State or national*
20 *organization with which the entity made such*
21 *agreement, that such entity has met the applica-*
22 *ble performance standards in effect under sub-*
23 *section (h).*

24 “(d) *PREREQUISITE REQUIREMENTS.—(1) Before*
25 *making agreements under subsection (b) and after consulta-*

1 *tion with the appropriate area agencies on aging, with*
2 *other organizations that received funds under this title in*
3 *the preceding fiscal year, and with State and local agencies*
4 *responsible for carrying out public employment and train-*
5 *ing programs, a recipient of a grant made under subsection*
6 *(a)(1) for a fiscal year shall—*

7 *“(A) make a determination—*

8 *“(i) identifying the localities in the State in*
9 *which projects described in subsection (b) are*
10 *most needed,*

11 *“(ii) in making such determination, con-*
12 *sider the local employment situations and the*
13 *types of skills possessed by available local older*
14 *individuals described in subsection (a), and*

15 *“(iii) identify potential projects and the*
16 *number and percentage of such individuals in*
17 *the local population.*

18 *“(B) in consultation and coordination—*

19 *“(i) with State and local agencies respon-*
20 *sible for carrying out employment and training*
21 *programs, and*

22 *“(ii) for the purpose of providing increased*
23 *employment opportunities in underserved areas,*
24 *with all other recipients of grants under sub-*
25 *section (a)(1) who propose to carry out projects*

1 *under this title in the same State as such recipi-*
 2 *ent,*

3 *select the projects such recipient will carry out*
 4 *through agreements made under subsection (b), and*

5 *“(C) establish effective linkages with private en-*
 6 *tities that promote employment and training oppor-*
 7 *tunities for older individuals.*

8 *“(2) To the maximum extent practicable, such recipi-*
 9 *ent shall ensure that entities that carry out projects under*
 10 *agreements made under subsection (b) provide employment*
 11 *under this title to older individuals who immediately before*
 12 *the effective date of this title were employees under an agree-*
 13 *ment made under section 502(b) of the Older Americans Act*
 14 *of 1965.*

15 *“(3) To the maximum extent practicable, a State that*
 16 *receives a grant under this title for fiscal year 2000, 2001,*
 17 *2002, 2003, and 2004 shall use not less than the following*
 18 *percentage of such grant, to preserve particular older indi-*
 19 *viduals in the particular employment positions that were*
 20 *held by such individuals as a result of grants made under*
 21 *title V of the Older Americans Act of 1965 or under this*
 22 *title by the Secretary for the preceding fiscal year to non-*
 23 *State recipients for expenditure in such State:*

Grant for Fiscal Year	Percent of Grant
2000	4.6
2001	4.6

Grant for Fiscal Year	Percent of Grant
2002	4.6
2003	4.6
2004	4.6.

1 “(e) *EQUITABLE USE OF FUNDS.*—*To the maximum*
2 *extent practicable, each recipient of a grant under sub-*
3 *section (a)(1) shall use funds available to carry out this*
4 *title to make agreements under subsection (b) in an equi-*
5 *table manner, taking into consideration—*

6 “(1) *the number of eligible older individuals in*
7 *the various geographical areas,*

8 “(2) *the relative distribution of such individuals*
9 *among urban and rural areas, and*

10 “(3) *the consultation and coordination required*
11 *by subsection (d).*

12 “(f) *PRIOR SUBMISSION OF PROJECT DESCRIPTION.*—
13 *Whenever an entity (other than an area agency on aging*
14 *for the planning and service area in which the project will*
15 *be conducted) conducts a project under an agreement made*
16 *under subsection (b) within a planning and service area*
17 *in a State, such entity shall conduct the project in consulta-*
18 *tion with the area agency on aging of the planning and*
19 *service area and shall submit to the area agency on aging,*
20 *not less than 30 days before undertaking the project, a de-*
21 *scription (including the location) of the project.*

22 “(g) *ALTERNATIVE WORK MODES; TECHNICAL ASSIST-*
23 *ANCE.*—*Recipients of grants under subsection (a)(1) may*

1 *develop alternatives for innovative work modes and provide*
 2 *technical assistance in creating employment opportunities*
 3 *through work sharing and other experimental methods to*
 4 *groups representing business and industry and workers, as*
 5 *well as to individual employers, where appropriate.*

6 “(h) *PERFORMANCE STANDARDS.*—(1) *The Secretary*
 7 *shall establish by rule, and amend from time to time, objec-*
 8 *tive performance standards that provide measurements to*
 9 *quantify the extent to which projects carried out under*
 10 *agreements made under subsection (b) meet such standards*
 11 *and shall require at a minimum the recipients of grants*
 12 *under subsection (a)(1) to assess, and to report timely before*
 13 *the end of each fiscal year to the Secretary, the extent to*
 14 *which such standards (expressed in objective, quantifiable,*
 15 *measurable form) are met by each entity that carries out*
 16 *any of such projects and by such recipients, to show progress*
 17 *of recipients in continuously improving performance. Such*
 18 *standards shall include the following:*

19 “(A) *A standard requiring that not less than 18*
 20 *percent of project participants should be placed annu-*
 21 *ally, and after placement should remain employed for*
 22 *not less than 30 days, in employment for which no*
 23 *financial assistance is provided under this title.*

24 “(B) *A standard requiring a specific percentage*
 25 *increase in the number of employment opportunities*

1 *provided in hard-to-serve areas, including rural*
2 *areas, areas with high unemployment, and areas with*
3 *a significant population groups of underserved older*
4 *individuals.*

5 “(C) *A standard providing for the measurement*
6 *of—*

7 “(i) *the number of older individuals who re-*
8 *ceive services provided by such projects, and*

9 “(ii) *the extent to which project partici-*
10 *pants are satisfied with such services.*

11 “(D) *A standard requiring a specific percentage*
12 *increase in employment opportunities to be provided*
13 *in underserved areas.*

14 “(E) *A standard applicable for determining*
15 *compliance with the consultation and coordination*
16 *requirements specified in subsection (d)(1).*

17 “(2) *The Secretary shall establish uniform criteria for*
18 *determining the extent to which each such entity and each*
19 *such recipient meets such standards.*

20 “(3) *For purposes of determining whether such recipi-*
21 *ents fail, directly or through the operation of projects car-*
22 *ried out in a State under agreements made under section*
23 *503(b), to meet such standards, the Secretary may adjust*
24 *the application of such standards with respect to such*
25 *projects if—*

1 “(A) the chief executive officer of such State sub-
 2 mits to the Secretary a request to so adjust such
 3 standards, and

4 “(B) the requested adjustment is based on—

5 “(i) specific economic conditions throughout
 6 such State or in geographical areas of such
 7 State,

8 “(ii) disadvantaging characteristics of the
 9 older individuals who participate in such
 10 projects, or

11 “(iii) demonstrated extraordinary difficul-
 12 ties in serving unemployed low-income older in-
 13 dividuals who have poor employment prospects.

14 “(i) *TECHNICAL ASSISTANCE.*—If a recipient of a
 15 grant under section 501(a)(1) notifies the Secretary that
 16 such recipient failed, or expects to fail, to meet any of the
 17 applicable performance standards and requests the Sec-
 18 retary to provide technical assistance to improve the capac-
 19 ity of such recipient to meet such standards, then the Sec-
 20 retary shall provide such assistance, including technical as-
 21 sistance in developing a performance improvement plan.

22 “(j) *REPORT ON PERFORMANCE.*—Each recipient of a
 23 grant under section 501(a)(1) shall submit to the Secretary
 24 an annual report describing for each State separately in
 25 which such recipient carried out projects under this title,

1 *directly or through agreements made under section 503(b)*
 2 *by such recipient, in the fiscal year that is the subject of*
 3 *such report—*

4 “(1)(A) *how such recipient complied with the re-*
 5 *quirements of this title, and*

6 “(B) *the extent to which such recipient met the*
 7 *performance standards applicable to such recipient,*
 8 *and*

9 “(2) *if for such fiscal year such recipient elects*
 10 *under subsection (b) to make agreements described in*
 11 *subsection (b), the projects carried out under such*
 12 *agreements.*

13 “(k) *INDEPENDENT EVALUATION OF GRANT RECIPI-*
 14 *ENT PERFORMANCE.—*

15 “(1) *PERFORMANCE EVALUATION.—Not later*
 16 *than 90 days after the date of the enactment of this*
 17 *Act and subject to paragraph (2), the Secretary shall*
 18 *make a contract to evaluate each recipient of a grant*
 19 *under section 501(a)(1), for each State separately in*
 20 *which such recipient carried out projects under this*
 21 *title (directly or through agreements made under sec-*
 22 *tion 503(b) by such recipient), for the purpose of*
 23 *determining—*

24 “(A) *how such recipient complied with the re-*
 25 *quirements of this title, and*

1 “(B) *the extent to which such recipient met the*
 2 *performance standards applicable to such recipient.*

3 “(2) *CONTRACTS.—For purposes of paragraph*
 4 *(1), the Secretary may make contracts only with non-*
 5 *governmental entities that—*

6 “(A) *have not received funds, directly or in-*
 7 *directly, made available for grants under this*
 8 *title or title V of the Older Americans Act of*
 9 *1965, and*

10 “(B) *are not, and have not been, affiliated*
 11 *with any entity that receives, or has received*
 12 *such funds.*

13 “(3) *REPORTS.—The Secretary shall submit to*
 14 *the Speaker of the House of Representatives and the*
 15 *President pro tempore—*

16 “(A) *not later than January 1, 2004, an in-*
 17 *terim report summarizing the results of the eval-*
 18 *uations carried out under paragraph (1), and*

19 “(B) *not later than January 1, 2005, a*
 20 *final report summarizing the results of such*
 21 *evaluations.*

22 **“SEC. 504. PARTICIPANTS NOT FEDERAL EMPLOYEES.**

23 “(a) *PROJECT PARTICIPANTS.—Older individuals de-*
 24 *scribed in section 503(a) who participate in a project as-*
 25 *sisted under this title shall not be considered to be Federal*

1 *employees as a result of such participation and shall not*
 2 *be subject to the provisions of part III of title 5 of the*
 3 *United States Code.*

4 “(b) *CONTRACTS.*—No contract shall be entered into
 5 *under this title unless—*

6 “(1) *the contractor and the contractor’s employ-*
 7 *ees (including older individuals participating under*
 8 *the contract) are covered by a Federal or State work-*
 9 *ers’ compensation law to the extent required by the*
 10 *applicable Federal or State law, or*

11 “(2) *the contractor undertakes to provide either*
 12 *through insurance by a recognized insurer or by self-*
 13 *insurance as authorized by State law, that older indi-*
 14 *viduals participating under the contract will enjoy*
 15 *workers’ compensation coverage equal to that provided*
 16 *by the applicable Federal or State law for employ-*
 17 *ment covered by such law.*

18 **“SEC. 505. TREATMENT OF EMPLOYMENT ASSISTANCE FOR**
 19 **PURPOSES OF FEDERAL HOUSING AND FOOD**
 20 **STAMP PROGRAMS.**

21 “*Funds received by eligible older individuals from par-*
 22 *ticipation in projects carried out under this title shall not*
 23 *be considered to be income of such individuals for purposes*
 24 *of determining the eligibility of such individuals, or of any*
 25 *other individuals, to participate in any housing program*

1 *for which Federal funds may be available or for any income*
 2 *determination under the Food Stamp Act of 1977.*

3 **“SEC. 506. AUTHORIZATION OF APPROPRIATIONS.**

4 *“There are authorized to carry out this title*
 5 *\$448,600,000 for fiscal year 2000 and such sums as may*
 6 *be necessary for fiscal years 2001, 2002, 2003, and 2004.”.*

7 **SEC. 4. CONFORMING AMENDMENTS TO OTHER LAWS.**

8 *(a) AGRICULTURAL ACT OF 1949.—Section 416(a) of*
 9 *the Agricultural Act of 1949 (7 U.S.C. 1431) is amended*
 10 *by striking “Older Americans Act of 1965” and inserting*
 11 *“Older Americans Act of 1999”.*

12 *(b) AGRICULTURE AND FOOD ACT OF 1981.—Section*
 13 *1114(a) of the Agriculture and Food Act of 1981 (7 U.S.C.*
 14 *1431e(a)) is amended—*

15 *(1) in paragraph (1) by striking “Older Ameri-*
 16 *cans Act of 1965” each place it appears and inserting*
 17 *“Older Americans Act of 1999”, and*

18 *(2) in subparagraphs (C) and (D) of paragraph*
 19 *(2) by striking “section 311(a)(4) of the Older Ameri-*
 20 *cans Act of 1965 (42 U.S.C. 3030a(a)(4))” each place*
 21 *it appears and inserting “chapter 3 of subtitle A of*
 22 *title III of the Older Americans Act of 1999”.*

23 *(c) REHABILITATION ACT OF 1973.—Section*
 24 *509(f)(5)(B) of the Rehabilitation Act of 1973 (29 U.S.C.*

1 794e(f)(5)(B)) is amended by striking “Older Americans
2 Act of 1965” and inserting “Older Americans Act of 1999”.

3 (d) *JOB TRAINING PARTNERSHIP ACT.*—*The Job*
4 *Training Partnership Act (29 U.S.C. 1501 et seq.) is*
5 *amended—*

6 (1) *in section 204(d)—*

7 (A) *in paragraph (4) by striking “Older*
8 *Americans Act of 1965” and inserting “Older*
9 *Americans Act of 1999”, and*

10 (B) *in paragraph (5)(B)(i) by striking*
11 *“Older Americans Act of 1965” and inserting*
12 *“Older Americans Act of 1999”,*

13 (2) *by amending section 205(a)(8) to read as fol-*
14 *lows:*

15 “(8) *title V of the Older Americans Act of*
16 *1999;”*,

17 (3) *in section 452(d)(1)(B)(iii) by striking*
18 *“Older Americans Act of 1965” and inserting “Older*
19 *Americans Act of 1999”, and*

20 (4) *in section 455(b) by striking “Older Ameri-*
21 *cans Act of 1965” and inserting “Older Americans*
22 *Act of 1999”.*

23 (e) *SOCIAL SECURITY ACT.*—*The Social Security Act*
24 *(42 U.S.C. 301 et seq.) is amended—*

25 (1) *in section 1819—*

1 (A) in subsection (b)(4)(C)(ii)(IV) by strik-
2 ing “section 307(a)(12) of the Older Americans
3 Act of 1965” and inserting “section 304(a)(8) of
4 the Older Americans Act of 1999”,

5 (B) in subsection (c)(2)(B)(iii)(II) by strik-
6 ing “title III or VII of the Older Americans Act
7 of 1965 in accordance with section 712 of the
8 Act” and inserting “section 304(a)(8) of the
9 Older Americans Act of 1999”, and

10 (C) in subsection (g)(5)(B) by striking “title
11 III or VII of the Older Americans Act of 1965
12 in accordance with section 712 of the Act” and
13 inserting “section 304(a)(8) of the Older Ameri-
14 cans Act of 1999”, and

15 (2) in section 1919—

16 (A) in subsection (b)(4)(C)(ii)(IV) by strik-
17 ing “section 307(a)(12) of the Older Americans
18 Act of 1965” and inserting “section 304(a)(8) of
19 the Older Americans Act of 1999”,

20 (B) in subsection (c)(2)(B)(iii)(II) by strik-
21 ing “title III or VII of the Older Americans Act
22 of 1965 in accordance with section 712 of the
23 Act” and inserting “section 304(a)(8) of the
24 Older Americans Act of 1999”, and

1 (C) in subsection (g)(5)(B) by striking “title
 2 III or VII of the Older Americans Act of 1965
 3 in accordance with section 712 of the Act” and
 4 inserting “section 304(a)(8) of the Older Ameri-
 5 cans Act of 1999”.

6 (f) TITLE 31 OF THE UNITED STATES CODE.—Section
 7 3803(c)(2)(C)(xi) of title 31 of the United States Code is
 8 amended by striking “section 336 of the Older Americans
 9 Act” and inserting “chapter 3 of subtitle A of title III of
 10 the Older Americans Act of 1999”.

11 (g) OMNIBUS BUDGET RECONCILIATION ACT OF
 12 1990.—Section 4360(d)(1)(C)(ii) of the Omnibus Budget
 13 Reconciliation Act of 1990 (42 U.S.C. 1395b–
 14 4(d)(1)(C)(ii)) is amended by inserting “of 1999” after
 15 “Older Americans Act”.

16 (h) NATIONAL SCHOOL LUNCH ACT.—The National
 17 School Lunch Act (42 U.S.C. 1751 et seq.) is amended—

18 (1) in section 12(i) by striking “Older Ameri-
 19 cans Act of 1965” and inserting “Older Americans
 20 Act of 1999”,

21 (2) in section 14—

22 (A) in subsection (a)(1) by striking “Older
 23 Americans Act of 1965” and inserting “Older
 24 Americans Act of 1999”, and

1 (B) in subsection (c) by striking “section
 2 311(a)(4) of the Older Americans Act of 1965
 3 (42 U.S.C. 3030(a)(4)) or for cash payments in
 4 lieu of such donations under section 311(b)(1) of
 5 such Act (42 U.S.C. 3030(b)(1))” and inserting
 6 “chapter 3 of subtitle A of title III of the Older
 7 Americans Act of 1999”, and

8 (3) in subsection (o)(3)(B) by striking “part C
 9 of title III of the Older Americans Act of 1965” and
 10 inserting “chapter 3 of subtitle A of title III of the
 11 Older Americans Act of 1999”.

12 (i) ENVIRONMENTAL PROGRAMS ASSISTANCE ACT OF
 13 1984.—Section 2(a) of the Environmental Programs Assist-
 14 ance Act of 1984 (42 U.S.C. 4368a(a)) is amended by strik-
 15 ing “Older Americans Act of 1965” each place it appears
 16 and inserting “Older Americans Act of 1999”.

17 (j) NOISE CONTROL ACT OF 1972.—Section 14(g) of
 18 the Noise Control Act of 1972 (42 U.S.C. 4913(g)) is amend-
 19 ed by inserting “of 1999” after “Older Americans Act”.

20 (k) DEVELOPMENTAL DISABILITIES ASSISTANCE AND
 21 BILL OF RIGHTS ACT.—The Developmental Disabilities As-
 22 sistance and Bill of Rights Act (42 U.S.C. 6000 et seq.)
 23 is amended—

24 (1) in section 124(b)(3) by inserting “of 1999”
 25 after “Older Americans Act”, and

1 (2) in section 142(a)(2)(D)(ii) by striking
 2 “Older Americans Act of 1965” and inserting “Older
 3 Americans Act of 1999”.

4 (l) *ENERGY CONSERVATION IN EXISTING BUILDINGS*
 5 *ACT OF 1976*.—Section 412(6) of the Energy Conservation
 6 in Existing Buildings Act of 1976 (42 U.S.C. 6862(6)) is
 7 amended by striking “paragraphs (4), (5), and (6), respec-
 8 tively, of section 102 of the Older Americans Act of 1965”
 9 and inserting “paragraphs (28), (29), and (50), respec-
 10 tively, of the Older Americans Act of 1999”.

11 (m) *CONGREGATE HOUSING SERVICES ACT OF*
 12 *1978*.—Subsections (c) and (d) of section 405 of the Con-
 13 gregate Housing Services Act of 1978 (42 U.S.C. 8004) are
 14 amended by striking “Older Americans Act of 1965” each
 15 place it appears and inserting “Older Americans Act of
 16 1999”.

17 (n) *CRANSTON-GONZALEZ NATIONAL AFFORDABLE*
 18 *HOUSING ACT*.—The Cranston-Gonzalez National Afford-
 19 able Housing Act (42 U.S.C. 12701 et seq.) is amended—

20 (1) in section 802(d)(2)(B)(i) by striking “Older
 21 Americans Act of 1965” and inserting “Older Ameri-
 22 cans Act of 1999”, and

23 (2) in section 803(d)(12) by striking “Older
 24 Americans Act of 1965” and inserting “Older Ameri-
 25 cans Act of 1999”.

1 (o) *COMMUNITY SERVICES BLOCK GRANT ACT*.—Sec-
 2 tion 675(c)(5) of the *Community Services Block Grant Act*
 3 (42 U.S.C. 9904(c)(5)) is amended by striking “Older
 4 Americans Act of 1965” and inserting “Older Americans
 5 Act of 1999”.

6 (p) *ALZHEIMER’S DISEASE AND RELATED DEMENTIAS*
 7 *RESEARCH ACT OF 1992*.—The *Alzheimer’s Disease and*
 8 *Related Dementias Research Act of 1992* (42 U.S.C. 11201
 9 *et seq.*) is amended—

10 (1) in subsection 934(b)(4) by striking “section
 11 305(a) (1) and (2)(A) of the *Older Americans Act of*
 12 1965 (42 U.S.C. 3025(a)(1) and (2)(A))” and insert-
 13 ing “section 303(a)(2)(A) of the *Older Americans Act*
 14 of 1999”, and

15 (2) in section 962—

16 (A) in subsection (a)(1)(A)(iii) by striking
 17 “Older Americans Act of 1965” and inserting
 18 “Older Americans Act of 1999”, and

19 (B) in subsection (d) by striking “section
 20 305(a)(1) of the *Older Americans Act of 1965*”
 21 and inserting “section 303(a)(1) of the *Older*
 22 *Americans Act of 1999*”.

23 **SEC. 5. FISCAL YEAR REFERENCES FOR FISCAL YEAR 2000.**

24 Any reference in the *Older Americans Act of 1999* to
 25 “the preceding fiscal year” that applies with respect to

1 *funds appropriated to carry out, or to the operation of a*
2 *program, project, or activity to be carried out under, such*
3 *Act for fiscal year 2000 shall be deemed to be a reference*
4 *to funds appropriated to carry out, or to the operation of*
5 *the corresponding program, project, or activity carried out*
6 *under, the Older Americans Act of 1965 for fiscal year 1999.*

7 **SEC. 6. ISSUANCE OF RULES.**

8 *Not later than 180 days after the date of the enactment*
9 *of this Act, the Secretary of Health and Human Services*
10 *shall issue, and publish in the Federal Register, proposed*
11 *rules for the administration of the Older Americans Act of*
12 *1999. After allowing a reasonable period for public com-*
13 *ment on such proposed rules, and not later than 90 days*
14 *after such publication, the Secretary shall issue rules for*
15 *the administration of such Act.*

16 **SEC. 7. EFFECTIVE DATES.**

17 *(a) GENERAL EFFECTIVE DATE.—Except as provided*
18 *in subsection (b), this Act and the amendments made by*
19 *this Act shall take effect on the date of the enactment of*
20 *this Act.*

21 *(b) SPECIAL EFFECTIVE DATE.—The amendments*
22 *made by sections 3, 4, and 5 shall take effect on October*
23 *1, 1999.*

Amend the title so as to read: “A bill to amend the
Older Americans Act of 1965 to authorize appropriations

for fiscal years 2000, 2001, 2002, 2003, and 2004 and for other purposes.”.